



CITY OF CARLSBAD – AGENDA BILL

9

AB#	18,668	REPORT FROM THE CITIZENS' COMMITTEE TO STUDY THE FLOWER FIELDS AND STRAWBERRY FIELDS AREA	DEPT. HEAD	<i>SA</i>
MTG.	7/25/06		CITY ATTY.	<i>PS</i>
DEPT.	COM DEV		CITY MGR.	<i>JP</i>

RECOMMENDED ACTION:

That the City Council **ACCEPT** the Report of the Citizens Committee to Study the Flower Fields and Strawberry Fields Area of the City and **PROVIDE DIRECTION** regarding any action to be taken regarding the recommendations contained in the Committee's Report.

ITEM EXPLANATION:

At its meeting of April 18, 2006, the City Council established a Citizens Committee to Study the Flower Fields and Strawberry Fields Area of the City. The Committee consisted of 30 members (25 voting members and 5 non-voting members). The Committee met from May 16, 2006 to July 11, 2006 and held seven publicly-noticed meetings. When the City Council created the Citizens Committee, the Council also provided a list of tasks to be accomplished by the Committee as follows:

- 1) Review all pertinent background information relating to the area;
- 2) Review the three proposed ballot measures relating to the area;
- 3) Receive public input on the area and on the ballot measures including presentations from the proponents;
- 4) Prepare an objective comparison of the three measures; and
- 5) Make any other recommendations as deemed appropriate by the Committee regarding the measures or the future of the area.

The Committee accomplished all these tasks and the result of their work is included in the Report from the Citizens Committee attached as Exhibit 1 to this Agenda Bill.

In addition to preparing a comparative analysis of the measures, the Citizens Committee made a number of recommendations that address principally the proposed, draft City ballot measure. A summary of some of the key recommendations, as indicated by a substantial majority vote, include the following:

- 1) The Citizens Committee recommends that a City ballot measure be placed on the November election as an alternative to the initiative that has already qualified for the ballot and that the City measure include the changes recommended by the Citizens Committee;
- 2) The City measure should allow active as well as passive open space and recreation uses in the area in order to allow more opportunity for public accessibility to the area;

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COUNCIL ACTION:	APPROVED	<input type="checkbox"/>	CONTINUED TO DATE SPECIFIC	<input type="checkbox"/>	_____
	DENIED	<input type="checkbox"/>	CONTINUED TO DATE UNKNOWN	<input type="checkbox"/>	_____
	CONTINUED	<input type="checkbox"/>	RETURNED TO STAFF	<input type="checkbox"/>	_____
	WITHDRAWN	<input type="checkbox"/>	OTHER – SEE MINUTES	<input type="checkbox"/>	_____
	AMENDED	<input type="checkbox"/>			

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- 3) The City measure should not change the Travel/Recreation designation on the 48 acre portion of the area adjacent to the I-5 freeway and this property should be removed from the measure; and
- 4) Regardless of what happens regarding this area in the November election, the City should initiate a comprehensive public planning effort to determine what uses (i.e. open space, recreational, agricultural-type uses) are appropriate for the area.

A Minority Report was prepared by a member of the Citizens Committee (Vice-Chair) and is included in the Committee's Report as Attachment 3.

It is recommended that the City Council review and accept the Report from the Citizens Committee and provide direction on the proposed City ballot measure and any other recommendations from the Citizens Committee.

A final decision on the City ballot measure will be considered at a subsequent City Council meeting (August 1 or August 8, 2006). Should the Council decide to place a City measure on the ballot in November with all the changes recommended by the Citizens Committee, staff has prepared a revised, draft of the measure for City Council early review. The revisions incorporate all the recommendations of the Citizens Committee and other changes deemed necessary or appropriate to implement the Committee recommendations. A clean copy of the draft, revised measure is attached as Exhibit 3 to this Agenda Bill and a strike out (deletions) and underlined (additions) version is attached as Exhibit 4.

The Committee members should be highly commended for the time, effort and valuable input that they provided in completing its charge from the City Council.

FISCAL IMPACT:

Acceptance of the Citizens Committee Report will have no fiscal impacts to the City. The City Council previously allocated up to \$100,000 for the expenses involved in the administrative and operational functions of the Committee.

ENVIRONMENTAL IMPACT:

The Citizens Committee Report is an informational document and does not constitute a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) and, therefore, no environmental review is required. A citizen's initiative is specifically exempted from environmental review by CEQA. The proposed, City ballot measure has undergone full environmental review and any revisions proposed to the measure will be assessed in accordance with CEQA.

EXHIBITS:

1. Report of the Citizens Committee to Study the Flower Fields and Strawberry Fields Area
2. Letter from Farrah Douglas dated July 11, 2006 regarding the Citizens Committee
3. Draft of revised City ballot measure (clean copy)
4. Strike-out, underlined copy of draft of revised City ballot measure

Citizens' Committee



*To Study the
Flower Fields and
Strawberry Fields Area*

REPORT OF THE CITIZENS' COMMITTEE TO STUDY THE FLOWER FIELDS AND THE STRAWBERRY FIELDS AREA

Approved by the Citizens' Committee on _____

Citizens Committee Members

Munoz, Eric (Chair)	Garcin, Bob	Morgan, Robert
McBane, Kip (Vice-Chair)	Hill, Gary*	Norby, Peder
Aadland, Pete	Johnson, Mark	Pope, Laura*
Agosti, Jill	Kurth, Pat	Schulberg, Seth*
Benner, Jennifer	Lewinger, Keith	Swiger, Daniel
Cap, Marvin	Manning, Cary	Willes, Heidi
Dominguez, Bill	Martyns, Len	Winkler, Mark
Douglas, Farrah*	McBride, Gina	
Farrow, Vern	Meyerhoff, Leslea*	

Non-voting Members of the Citizens' Committee

Chris Calkins (Carlitas)
Claudia Carrillo (SDG&E)
Marvin Sippel (Farm Rep)
Courtney Heineman (Planning Commission)
Nancy Calverley (C.C.U.P.P.)

* Comparative Analysis Subcommittee

Citizens' Committee Staff

Gary Barberio – Principal Planner
Karen Chen – Management Analyst
Courtney Enriquez – Management Intern
Sandra Holder – Community Development Director
Bob Johnson – Deputy City Engineer, Transportation
Cynthia Haas – Economic Development and Real Estate Manager
Jane Mobaldi – Assistant City Attorney
Barbara Nedros – Administrative Secretary
Mark Steyaert – Park Development Manager

Consultants

Michael Holzmillier, Consultant
Jim Lough, Special Counsel
Jim Simon, RSG

Facilitators

National Conflict Resolution Center
Barbara Filner
Robin Seigle
Christina Simokat, assistant

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I. INTRODUCTION

On April 18, 2006, the City Council created a Citizens' Committee to study the area east of I-5 along Cannon Road including and surrounding the existing Flower Fields and Strawberry Fields. Two citizen initiatives relating to this area were being circulated for voter signatures with the intent to place them on the ballot for the November, 2006 general election. The first initiative sponsored by the Concerned Citizens of Carlsbad titled the "Save the Strawberry and Flower Growing Fields Act of 2006" has subsequently qualified for the November election. The second initiative sponsored by the Carlsbad Citizens for Usable Public Places titled the "Carlsbad Gateway Parkland and Open Space Initiative of 2006" was being circulated for the November election but subsequently could not meet the election deadlines. The City Council is also considering sponsoring its own ballot measure for the area titled the "The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006". A draft of the proposed City ballot measure was prepared and approved for review purposes by the City Council. Given the fact that there may be alternative measures affecting the area on the ballot in November, the City Council determined that it would be beneficial to the public to have a Citizens' Committee study the area, review and analyze the alternative initiatives including the draft City ballot measure and make any recommendations the Committee felt appropriate to the City Council.

The Citizens' Committee to Study the Flower Fields and the Strawberry Fields Area consisted of 25 resident, registered voters of Carlsbad appointed by the City Council. The Council also appointed six (6) non-voting members to the Committee representing the initiative sponsors, the owners of the properties affected by the initiatives, a representative from the farming community and the Planning Commission. The Concerned Citizens of Carlsbad group declined to be represented on the Committee and the Committee therefore consisted of a total of 30 members.

The Citizens' Committee held seven publicly-noticed meetings starting on May 16, 2006 and completing their work on July 11, 2006. A Subcommittee consisting of five (5) members appointed by the Committee to work on a draft comparative analysis of the initiatives and the City measure also met on two separate occasions.

The Final Report of the Citizens' Committee to Study the Flower Fields and the Strawberry Fields Area was approved by the Committee on July 11, 2006. The Report consists of (1) this introduction; (2) a description of the tasks performed and accomplished by the Committee (Section II of the Report); (3) a copy of the Committee's comparative analysis of the qualifying initiative and the city ballot measure (Section III and Attachment 1 of the Report); (4) recommendations made by the Committee for further City Council consideration (Section IV and Attachment 2 of the Report) and (5) a Minority Report (Section V and Attachment 3 of the Report). Appendices are also attached at the end of the Report consisting of the following: (A) City Council Agenda Bill #18,535 creating the Citizens' Committee; (B) Summary Meeting Notes prepared by the facilitators, NCRC, and Agendas from each of the Committee's meetings; (C) A copy of the initiative and the draft City ballot measure; (D) Maps showing the boundaries of the initiative and the City ballot measure; (E) Maps showing existing General Plan and Zoning Designations and a summary of the Zoning Designations; (F) A voting summary matrix showing the vote of the Committee on all proposed recommendations; and (G) A copy of the Committee's Workbook (on file in the office of the City Clerk).

II. DESCRIPTION OF CHARGE AND TASKS OF THE CITIZENS' COMMITTEE

When the City Council created the Citizens' Committee, the Council also provided a general outline of the tasks to be performed by the Committee. The outline included the following tasks:

- Review all pertinent background information regarding this area of the city including all existing land use documents, historical information and recent land use visioning efforts;
- Review the three proposed ballot measures relating to the area;
- Receive public input on the area and on the ballot measures including presentations from the ballot measure proponents;
- Prepare an independent and objective comparison of the three measures including, but not limited to, a summary and major provisions of the measures, allowable and restricted land uses, and follow-up implementation requirements; and
- Make any other recommendations as deemed appropriate by the Committee regarding the measures or the future of the area.

The Citizens' Committee followed the outline of tasks provided by the City Council in sequential order. The first meeting of the Committee held on May 16, 2006 consisted of an organizational and introduction meeting. The Committee members were introduced, a Chairman and Vice-Chair were elected, the Committee reviewed its charge and tasks and a meeting schedule was developed. At its second meeting held on May 30, 2006, the Committee reviewed all the background information regarding the area prepared by staff. This included existing General Plan, Zoning and Local Coastal Program and other land use regulations, standards and policies applicable to the study area as well as property data and historical information on the properties located in the area. All of the background information provided to the Committee is contained in a workbook provided to each of the Committee members, a copy of which is on file in the office of the City Clerk. The Committee also heard a presentation on the status of agriculture in Carlsbad from the Executive Director of the San Diego County Farm Bureau. The third meeting of the Committee held on June 6, 2006 was devoted to reviewing the two proposed initiatives and the proposed city ballot measure. This included presentations from the sponsors or proponents of the initiatives and the city measure and providing time for input from the general public. The Committee was asked to prepare additional questions for the sponsors/proponents in writing to be addressed at the next meeting. The Committee also appointed a Subcommittee to prepare a draft of an unbiased, objective comparative analysis (in a matrix format) for subsequent review and approval of the entire Committee. The next meeting of the Committee was held on June 15, 2006. Responses to the Committee's written questions were provided only by the Carlsbad Citizens for Usable Public Places and the Mayor and Mayor Pro Tem for the draft city measure. The Committee reviewed the draft comparative analysis matrix prepared by the Subcommittee and provided feedback to the Subcommittee. At this meeting, the Committee also heard a presentation on legal considerations made by Special Counsel retained by the City to assist the Committee's discussions. At its subsequent meeting held on June 20, 2006, the Committee reviewed and again provided input on the comparative analysis as revised by the Subcommittee. The Committee also heard a presentation on preliminary findings regarding fiscal implications of the initiatives by a financial consultant retained by the City to assist the Committee's discussions and to prepare a fiscal impact report. At its next meeting held on June 27, 2006, the Committee again reviewed and then conceptually approved the comparative analysis matrix. Consistent with the charge and tasks originally outlined by the City Council, the

members were then given the opportunity to propose other recommendations to be considered by the City Council. It was decided that the recommendations proposed by the individual members would be voted on by the entire Committee at its next, subsequent meeting. The final meeting of the Citizens Committee was held on July 11, 2006. At this meeting, the Committee voted on its recommendations, gave final approval to the comparative analysis and approved its Report to the City Council. The Committee was also informed at this meeting that the "Carlsbad Gateway Parkland and Open Space Initiative of 2006" could not meet the deadlines for the November ballot and, therefore, the Committee voted to remove it from the comparative analysis and not to comment on it. Summary Notes and Agendas from each of the Committee meetings are contained in Appendix B of this report.

As a result of the Citizens' Committee work, the charge and tasks outlined by the City Council when the Council created the Committee have been accomplished. An objective, independent comparative analysis of the citizen group's initiative and the draft city ballot measure has been prepared which is explained in the next section of this report and is contained in Attachment 1 of the Report. Other recommendations as deemed appropriate by the Committee regarding the city ballot measure or the future of the area have been made by the Committee for City Council consideration. These recommendations are explained in Section IV of this report and included in Attachment 2.

III. COMPARATIVE ANALYSIS OF INITIATIVE AND PROPOSED CITY BALLOT MEASURE

As requested by the City Council, the Citizens' Committee has prepared a comparative analysis of the citizen group's initiative and the City-proposed ballot measure. The analysis was prepared in a matrix format to make it as simple and user-friendly as possible. The comparative analysis is included in this Report as Attachment 1. As mentioned in the previous section of this report the analysis does not include the "Gateway Parkland Initiative" because it did not qualify for the November ballot.

A Subcommittee was appointed to draft the analysis for consideration and approval of the Committee. The Subcommittee's draft analysis was reviewed and input was provided by the Committee members at three of the Committee meetings and was approved in its final form at the final Committee meeting of July 11, 2006 by a 17-4 vote. In preparing the comparative analysis by the Subcommittee and as subsequently approved by the Citizens' Committee, some guiding principles were used. It was the intent of the Committee to provide a neutral, objective and unbiased comparative analysis based upon what was included in the written text of the initiative or measure. Assumptions or personal opinions about the intent of the proponents in proposing the initiative or measure were not considered other than what was included verbatim in the initiative. Speculation about how the City would formally implement or accomplish the intent of the initiative or measure was also not considered. For example, if the initiative or measure was silent on a permitted use or public facility allowed by the initiative or measure, it was determined that the use or facility would not be permitted.

The comparative analysis includes a very technical, “nuts and bolts” component that is contained in the second part of the analysis under “Technical Analysis”. While this is useful and necessary in order for the City to be able to accomplish land-use implementation, the Committee felt that this would not be as important and useful to the citizen voter as an analysis of the more issue-oriented topics that address community vision and values. Therefore, the first part of the comparative analysis addresses issues that are common or distinct about the initiative and the draft City ballot measure. This part of the analysis is titled “Issues Analysis”.

The Citizens’ Committee hopes that the comparative analysis as contained in Attachment 1 to this Report will be useful to the public and can be utilized as appropriate as a tool to provide educational information to the voters in assisting them in making an informed decision on the initiative or the City ballot measure if a City measure is placed on the ballot for the November election.

IV. ADDITIONAL CITIZENS’ COMMITTEE RECOMMENDATIONS

As requested by the City Council, the Citizens’ Committee has approved additional recommendations “as deemed appropriate by the Committee regarding the measures or future of the area”. The recommendations fall into two categories: (A) Recommendations pertaining to the proposed, draft City ballot measure and (B) Recommendations regarding future planning and land use implementation in the Area. The Committee did not make recommendations pertaining to the citizen group’s initiative because it had already qualified for the ballot and changes could not be made or effectuated. The recommendations are included in the Report as Attachment 2 (the vote of the Committee on the recommendation is included in parenthesis () following each recommendation).

V. MINORITY REPORT

The Vice Chair of the Citizens’ Committee has prepared a Minority Report that is included in this Report as Attachment 3. The primary concern expressed in the Minority Report is that the Comparative Analysis approved by the Committee contains substantial errors and assumptions which destroy its objectivity, neutrality and usefulness as educational material for the voters. The Minority Report also includes additional information it deems important to be in the Committee’s Report including examples of Coastal Agricultural Zones from four other California jurisdictions.

ATTACHMENT 1

COMPARATIVE ANALYSIS

Issues Analysis

	Topic Does the Initiative/Ballot Measure:	Current Status/General Plan/Zoning Ordinance	(Concerned Citizens of Carlsbad) Save the Strawberry and Flower Growing Fields Act of 2006	(Carlsbad City Council) The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
1.	Save "The Flower Fields®"?	Deed Restriction with owner requires continued flower growing	No, already protected	No, already protected
2.	Represent a Citizens' Initiative?	N/A	Yes	No
3.	Restrict the land use to agricultural use only?	Allows agriculture on all sites as one of permissible open space (OS) uses.	Yes	No
4.	Permit agricultural use?	Allows agriculture on all sites as one of permissible open space (OS) uses.	Yes	Yes
5.	Require special City programs to maintain agriculture?	No	Yes	No
6.	Permit Residential Development?	Not allowed	No	No
7.	Permit Commercial Development?	Allows Travel/Recreation Commercial (TR) use on 48 acres adjacent to I-5	No	No
8.	Eliminate Travel/Recreation Commercial (TR) use?	Allows TR use on 48 acres adjacent to I-5	Yes	Yes
9.	Permit Industrial Development?	No	No	No
10.	Restrict existing Public Utility (PU) easement?	PU easement overlays SDG&E property	Yes	No

COMPARATIVE ANALYSIS

Issues Analysis

	Topic Does the Initiative/Ballot Measure:	Current Status/General Plan/Zoning Ordinance	(Concerned Citizens of Carlsbad) Save the Strawberry and Flower Growing Fields Act of 2006	(Carlsbad City Council) The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
11.	Allow OS/Outdoor Recreation?	Allows both active and passive recreation.	No	Yes, but only Passive
12.	Permit OS/Public Access?	Permitted in most Open Space	No	Yes
13.	Permit OS/Parks?	Yes	No	Yes, if passive
14.	Allow OS/Trails?	Yes	No	Yes
15.	Authorize Appropriation of funds for Trails	Yes, Prop C authorized appropriation for trails	No	Yes, Appropriates an amount that may exceed one million dollars
16.	Allow OS/Public Facilities?	Yes	No	No
17.	Create risk of lawsuit potential for taking of private property rights?	No	Yes	Yes
18.	Incorporate the Guiding Principles of Connecting Community Place & Spirit?	No	No	Partially
19.	Require Environmental Review?	Citizens initiative exempt from CEQA review, ballot measure CEQA review required	No	Yes

COMPARATIVE ANALYSIS

Technical Analysis

	Save the Strawberry and Flower Growing Fields Act of 2006	The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
Sponsor	Concerned Citizens of Carlsbad	Carlsbad City Council
Size of Area Affected	430 acres	355 acres
Summary of Stated Purposes	<ul style="list-style-type: none"> • To support the continuation of agriculture in the affected area • To create a new land use designation of "Coastal Agriculture" and apply it to the area • To conserve the area from inappropriate development and other inconsistent land uses 	<ul style="list-style-type: none"> • To ensure that the affected area is preserved in open space and that farming is allowed to continue • To allow public use and access to occur in the area in a manner that does not adversely impact existing open space resources and uses in the area
Summary of Major Provisions	<ul style="list-style-type: none"> • Amends the policies of the General Plan to require continued agricultural use in the affected area • Requires the city to ensure that agricultural use continues in the area by "whatever means practicable" • Changes the 48 acre parcel at I-5 and Cannon Road from commercial use to open space 	<ul style="list-style-type: none"> • Amends the General Plan, the Zoning Ordinance and the Local Coastal Program to ensure that the affected area is preserved for open space • Allows for farming to continue in the area as long as it is economically viable • Allows for certain other open space uses in the area including passive park and recreation uses • Changes the 48 acre parcel at I-5 and Cannon Road from commercial use to open space

COMPARATIVE ANALYSIS

Technical Analysis

	Save the Strawberry and Flower Growing Fields Act of 2006	The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
General Plan Changes	<ul style="list-style-type: none"> Amends the Open Space and Land Use Elements of the General Plan to include new and amended goals, objectives and programs to support continued agriculture in the area including and adjacent to the Flower and Strawberry Fields Creates a new land use designation of Coastal Agriculture and applies it to the area Eliminates references characterizing agriculture as an interim land use Amends the Open Space map to show the 48 acre commercial parcel at I-5 and Cannon Road as open space 	<ul style="list-style-type: none"> Amends the Land Use Element of the General Plan to designate the affected area for Special Planning Consideration and identifies the area as "The Cannon Road Open Space, Farming and Public Use Corridor" Creates new goals, objectives and programs including permitted uses to ensure that the area is protected and preserved as an open space corridor Amends the General Plan Land Use and Open Space maps to change the existing land use designation of the 48 acre parcel at I-5 and Cannon Road from T-R (Travel/Recreation Commercial) to OS (Open Space)
Zoning Changes	None included, however, follow-up amendments to the Zoning Ordinance will be necessary for the city to fully implement the initiative	<ul style="list-style-type: none"> Changes the zoning to Open Space on all portions of the area not presently zoned Open Space Changes the zoning on the 48 acre property at I-5 and Cannon Road from Public Utility (PU) to Open Space (OS) Amends the Carlsbad Ranch Specific Plan to be consistent with the measure
Local Coastal Program Changes	None included, however, follow-up amendments to the Local Coastal Program will be required for the city to fully implement the initiative	<ul style="list-style-type: none"> Amends the Local Coastal Program (Mello II and Agua Hedionda Lagoon Segments) to be consistent with the measure Recognizes that the measure cannot be implemented without approval from the Coastal Commission

COMPARATIVE ANALYSIS

Technical Analysis

	Save the Strawberry and Flower Growing Fields Act of 2006	The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
Compliance with Other City Land Use Documents	<ul style="list-style-type: none"> • Acknowledges existence of other applicable land use documents • Designating the area as Coastal Agriculture may conflict with the Habitat Management Plan 	<ul style="list-style-type: none"> • Acknowledges existence of other applicable land use documents • Specifically requires compliance with the Habitat Management Plan
Permitted Land Uses	Agricultural Uses	<ul style="list-style-type: none"> • Open Space uses including: <ol style="list-style-type: none"> 1) Agriculture 2) Passive park and recreation facilities 3) Public trails • Residential uses specifically prohibited • A civic center if approved by a public vote for such use
Designated Expenditure of City Funds	None specifically required	Authorizes City Council to spend in excess of \$1 million to construct public trails in the affected area
Amendment Procedures	<ul style="list-style-type: none"> • Allows amendment upon showing of substantial evidence that there is a taking of private property rights • Amendment must narrowly construe compliance requirements • City Council determination subject to referendum 	<ul style="list-style-type: none"> • Allows amendment upon showing of substantial evidence that there is a taking of private property rights • Determination must be based on : <ol style="list-style-type: none"> 1) Court order; 2) Other judicially-approved process; 3) Dispute-resolution process.

ATTACHMENT 2

Citizens' Committee Recommendations

(The vote of the Committee is shown in parenthesis following the recommendation)

A. Proposed City Ballot Measure

1. A City sponsored ballot measure should go forward but it should be different than the one presently proposed (15-3-3).
2. A City sponsored ballot measure should go forward with the changes contained in the Citizens' Committee recommendations (20-0-1).
3. The City ballot measure should affirm the existing TR designation on the 48 acre parcel currently designated for TR. This parcel should be removed from inclusion in the City's ballot measure (19-0-2).
4. The City ballot measure should allow public or private recreation, not just passive recreation (17-3-1) and should permit passive and active recreation without altering the existing Flower Fields® (12-0).
5. For Carlsbad Ranch Specific Plan: Retain agricultural use and allow flexibility and support agricultural uses and allow active recreation uses on all Carlsbad Ranch sites (except on The Flower Fields®) (17-0-4).
6. City ballot measure should clarify SDG&E property rights, i.e. entire property is currently zoned Public Utility not just where the power line easements are located. Any City ballot measure should not strip away Public Utility uses on the property as a whole (13-1-7).
7. Remove specific reference to a "Civic Center" in the City ballot measure (16-5-0).
8. The City ballot measure should reiterate that the City has a Growth Management Plan that applies to the surrounding areas and works well (15-4-1).

B. Other Committee Recommendations

1. The City should work to achieve General Plan/Local Coastal Program/Zoning consistency for all the properties under consideration (18-0-3).
2. The City should conduct community outreach effort to "scope out" general plan, local coastal program, and zoning designations that would guide the City effort in Recommendation 1 above (19-0-2).
3. The City should allow for a public "deliberation" process irrespective of results of election (different than a public "meeting" where time for comments is limited) (20-0-1).
4. The City Council should initiate a comprehensive planning effort for the properties (21-0-0).

ATTACHMENT 3

MINORITY REPORT OF THE COMMITTEE TO STUDY THE FLOWER FIELDS AND THE STRAWBERRY FIELDS AREA

This Minority Report takes exception with the Citizen's Committee's performance of its assigned task to:

"Prepare an independent and objective comparison of the three measures including, but not limited to, a summary and major provisions of the measures, allowable and restricted land uses, and follow-up implementation requirements."

Findings:

- ✓ The Committee's size made it difficult, if not impossible, to engage in thorough discussion and to prepare an accurate, complete, independent, and objective comparison of the measures in the time allowed.
- ✓ Full discussion of the "Comparative Analysis" content was cut short because the imposed time constraints and an inability to add additional meetings as needed.
- ✓ The "Comparative Analysis" contains substantive errors and specific assumptions which destroy its neutrality and objectivity and which taint its usefulness as educational material for voters.
- ✓ Rather than reflecting the "independent and objective" standards to which the Committee was to be held, the sub-committee interpreted the measures by its own standards. The sub-committee chair stated that it could not justify each box on the matrix with specific language from the proposals and that therefore the sub-committee had to synthesize and interpret the intent of each initiative. Staff stated that there was not time to document the basis of the information contained in the boxes.
- ✓ At least 33 specific instances in which the information in the data boxes is either in error, incomplete, or inaccurately reflects the actual differences between the measures are documented in Exhibit A attached hereto.
- ✓ At its last meeting, the Committee voted 21-0 to recommend against the City going ahead with its measure, "The Flower Fields, Open Space and Public Trails Protection Act of 2006", as presented to the Committee for its review. The Committee recommended that the City go forward with a different measure. That different measure was not compared in the matrix.
- ✓ **Because of its lack of neutrality, and objectivity, because of its many inaccuracies, and because it does not analyze the proposed City measure with Committee recommended changes incorporated, it is the opinion of this Minority Report that the "Comparative Analysis" and any conclusions derived there from should not be used for voter education purposes**

Additional Recommendations:

- ✓ The Committee's Report, excludes several important, specific items of information presented to the Committee by staff and consultants.
- ✓ It is a recommendation of this Minority Report that the City analyze the attached (Exhibit B) Coastal Agricultural Zoning codes for the cities and/or counties of Oxnard, Ventura, Marin, and Santa Barbara provided by Special Counsel for models from which Carlsbad's implementing ordinances could be derived.
- ✓ It is recommended by this Minority Report that the City utilize its significant investment in the Citizen's Committee and consult further with its members as to how best to achieve the most beneficial results for Carlsbad.

EXHIBIT A

ALTERNATIVE COMPARATIVE ANALYSIS

FOURTEEN SPECIFIC EXAMPLES OF **BREACHES OF THE "NEUTRAL, OBJECTIVE AND UNBIASED" STANDARD** FOR THE COMPARATIVE ANALYSIS CONTAINED IN THE COMMITTEE'S FINAL REPORT. THIS IS A SAMPLING, NOT A COMPREHENSIVE LIST:

Row #:

3. The language of the Citizen's Initiative clearly and specifically allows "uses consistent with agriculture." This is an emphatic statement that uses other than agriculture are allowed if they are consistent with agriculture. The Comparative Analysis subjectively chose to restrict allowable use to agriculture only.
4. The City's measure clearly and specifically limits agricultural uses only to "farming" which the Special Council informed the Committee was a more restrictive use than "agriculture", yet the Comparative Analysis falsely suggests that all agricultural uses are allowed under the City's measure.
10. The Comparative Analysis incorrectly states that the Citizen's Initiative restricts public utility easement. It does not. In fact, it specifically allows use for "existing utility transmission corridors". Furthermore, years of farming in and about the public utility easement have proven that this is a use "consistent with agriculture".
- 11, 12, 14. The Comparative Analysis incorrectly states that the Citizen's Initiative does not permit Open Space Uses such as outdoor recreation, public access, and trails. The Initiative specifically allows "open space" uses if "consistent with agriculture". The Flower Fields® clearly demonstrate that recreation, public access and trails can all be "consistent with agriculture".
15. The Comparative Analysis inconsistently (and biasedly) indicates that there was an appropriation of funds for trails under Prop C under the existing zoning which will be removed by the Citizen's Initiative.
17. The Comparative Analysis is both an inaccurate and speculative assertion that the Citizen's Initiative and the City's measure are equivalent in this area when the Special Counsel specifically stated otherwise. The Citizen's initiative provides the City with specific prophylactic actions it must take to prevent a takings action. The City's measure does not, and therefore exposes the City to a very real risk of lawsuit.

Stated Purposes: The Comparative Analysis incorrectly says that a stated purpose of the Citizen's Initiative is "To support the continuation of agriculture in the affected area", whereas, in fact the stated purpose is "To conserve Open Spaces and historic agriculture uses". The Comparative Analysis of the City's measure states that it will "ensure that the affected area is preserved in open space and that farming is allowed to continue", whereas in fact it is only allowed to continue as long as it is viable. It is not "neutral, objective, and unbiased" to use inaccurate language which mischaracterizes the measures.

Major Provisions: The Comparative Analysis subjectively interprets the intent of the language "consistent with and supportive of coastal agriculture" to mean "requires continued agricultural use in the affected area". It also insists upon quoting the term "whatever means practicable" the common meaning of which has already been politicized by proponents of the City's measure, when, in fact, according to Special Counsel the term has been litigated to mean "whatever means reasonable".

Compliance with Other City Land Use Documents: The Comparative Analysis incorrectly speculates that in the Citizen's Initiative, Coastal Agriculture "may conflict with the Habitat Management Plan", when, in fact the Initiative includes specific language requiring it to comply with any "matters... required by State law". The Habitat Management Plan so qualifies.

Permitted Uses: The Comparative Analysis incorrectly asserts that only "agricultural uses" are allowed in the area, whereas the Initiative specifically allows other uses "consistent with local agriculture", including open space. The also Analysis conveniently overlooks the fact that golf is not allowed under the City's measure.

ALTERNATIVE COMPARATIVE ANALYSIS

Issues Analysis

	Topic	Current Status/General Plan/Zoning Ordinance	(Concerned Citizens of Carlsbad) Save the Strawberry and Flower Growing Fields Act of 2006	(Carlsbad City Council) The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
1.	Save "The Flower Fields®"?	Deed Restriction with owner requires continued flower growing	No, already protected	No, already protected
2.	Represent a Citizens' Initiative?	N/A	Yes	No
NEW	<u>Supersedes other ballot measures if it receives more votes?</u>	<u>N/A</u>	<u>Yes</u>	<u>Yes</u>
3.	<u>Restrict the land use to agricultural use only? uses consistent with agriculture?</u>	Allows agriculture on all sites as one of permissible open space (OS) uses.	Yes	No
4.	Permit agricultural use?	Allows agriculture on all sites as one of permissible open space (OS) uses.	Yes	Yes, <u>only farming</u>
NEW	<u>Change agriculture in this area from OS Priority 5 to OS Priority 1?</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
5.	Require special City programs to maintain agriculture?	No	Yes, <u>if necessary</u>	No
6.	Permit Residential Development?	Not allowed	No*	No
7.	Permit Commercial Development?	Allows Travel/Recreation Commercial (TR) use on 48 acres adjacent to I-5	No*	No
8.	Eliminate Travel/Recreation Commercial (TR) use?	Allows TR use on 48 acres adjacent to I-5	Yes*	Yes
9.	Permit Industrial Development?	No	No*	No

	Topic Does the Initiative/Ballot Measure:	Current Status/General Plan/Zoning Ordinance	(Concerned Citizens of Carlsbad) Save the Strawberry and Flower Growing Fields Act of 2006	(Carlsbad City Council) The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
10.	Restrict existing Public Utility (PU) easement?	PU easement overlays SDG&E property	Yes <u>No.</u>	No
11.	Allow OS/Outdoor Recreation?	Allows both active and passive recreation.	No <u>Yes, if consistent with and supportive of coastal agriculture</u>	Yes, but only Passive
12.	Permit OS/Public Access?	Permitted in most Open Space	No <u>Yes, if consistent with and supportive of coastal agriculture</u>	Yes
13.	Permit OS/Parks?	Yes	No <u>Yes, if consistent with and supportive of coastal agriculture</u>	Yes, if passive. <u>No Golf.</u>
14.	Allow OS/Trails?	Yes	No <u>Yes, if consistent with and supportive of coastal agriculture</u>	Yes
15.	Authorize Appropriation of funds for Trails	Yes, Prop C authorized appropriation for trails	No <u>Yes, Prop C authorized appropriation for trails</u>	Yes, Appropriates an amount that may exceed one million dollars
16.	Allow OS/Public Facilities?	Yes	No	No
17.	Create risk of lawsuit potential for taking of private property rights?	No	Yes <u>No</u>	Yes, <u>but subject to amendment</u>
18.	Incorporate the Guiding Principles of Connecting Community Place & Spirit?	No	No <u>Partially</u>	Partially
19.	Require Environmental Review?	Citizens initiative exempt from CEQA review, ballot measure CEQA review required	No <u>Not required for initiative. Required for any projects in area.</u>	Yes

* Allows uses "consistent with and supportive of coastal agriculture"

Technical Analysis

	Save the Strawberry and Flower Growing Fields Act of 2006	The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
Sponsor	Concerned Citizens of Carlsbad	Carlsbad City Council
Size of Area Affected	430 acres	355 acres
Summary of Stated Purposes	<ul style="list-style-type: none"> • To support the continuation of agriculture in the affected area • <u>To conserve Open Spaces and historic agriculture uses</u> • To create a new land use designation of "Coastal Agriculture" and apply it to the area • To conserve the area from inappropriate development and other inconsistent land uses 	<ul style="list-style-type: none"> • To ensure that the affected area is preserved in open space and that farming is allowed to continue <u>as long as it is viable</u> • To allow public use and access to occur in the area in a manner that does not adversely impact existing open space resources and uses in the area
Summary of Major Provisions	<ul style="list-style-type: none"> • Amends the policies of the General Plan to require support continued agricultural use in the affected area • Requires the city to ensure that agricultural use continues in the area by "whatever means practicable" • <u>Directs City to ensure that uses in the area are consistent with and supportive of coastal agriculture</u> • Changes the 48 acre parcel at I-5 and Cannon Road from commercial use to open space 	<ul style="list-style-type: none"> • Amends the General Plan, the Zoning Ordinance and the Local Coastal Program to ensure that the affected area is preserved for open space • Allows for farming to continue in the area as long as it is economically viable • Allows for certain other open space uses in the area including passive park and recreation uses • Changes the 48 acre parcel at I-5 and Cannon Road from commercial use to open space
General Plan Changes	<ul style="list-style-type: none"> • Amends the Open Space and Land Use Elements of the General Plan to include new and amended goals, objectives and programs to support continued agriculture in the area including and adjacent to the Flower and Strawberry Fields • Creates a new land use designation of Coastal Agriculture and applies it to the area • Eliminates references characterizing agriculture as an interim land use • Amends the Open Space map to show the 48 acre commercial parcel at I-5 and Cannon Road as open space 	<ul style="list-style-type: none"> • Amends the Land Use Element of the General Plan to designate the affected area for Special Planning Consideration and identifies the area as "The Cannon Road Open Space, Farming and Public Use Corridor" • Creates new goals, objectives and programs including permitted uses to ensure that the area is protected and preserved as an open space corridor • Amends the General Plan Land Use and Open Space maps to change the existing land use designation of the 48 acre parcel at I-5 and Cannon Road from T-R (Travel/Recreation Commercial) to OS (Open Space)

	Save the Strawberry and Flower Growing Fields Act of 2006	The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006
Zoning Changes	None included, however, follow-up amendments to the Zoning Ordinance will be necessary for the city to fully implement the initiative	<ul style="list-style-type: none"> Changes the zoning to Open Space on all portions of the area not presently zoned Open Space Changes the zoning on the 48 acre property at I-5 and Cannon Road from Public Utility (PU) to Open Space (OS) Amends the Carlsbad Ranch Specific Plan to be consistent with the measure
Local Coastal Program Changes	None included, however, follow-up amendments to the Local Coastal Program will be required for the city to fully implement the initiative	<ul style="list-style-type: none"> Amends the Local Coastal Program (Mello II and Agua Hedionda Lagoon Segments) to be consistent with the measure Recognizes that the measure cannot be implemented without approval from the Coastal Commission
Compliance with Other City Land Use Documents	<ul style="list-style-type: none"> Acknowledges existence of other applicable land use documents Designating the area as Coastal Agriculture may conflict with the Habitat Management Plan <u>City Council may amend initiative if necessary to comply with State programs, including the Habitat Management Program</u> 	<ul style="list-style-type: none"> Acknowledges existence of other applicable land use documents Specifically requires compliance with the Habitat Management Plan
Permitted Land Uses	Agricultural Uses <u>consistent with and supportive of Coastal Agriculture</u>	<ul style="list-style-type: none"> Open Space uses including: <ol style="list-style-type: none"> Agriculture Passive park and recreation facilities <u>other than golf</u> Public trails Residential uses specifically prohibited A civic center if approved by a public vote for such use
Designated Expenditure of City Funds	None specifically required	Authorizes City Council to spend in excess of \$1 million to construct public trails in the affected area
Amendment Procedures	<ul style="list-style-type: none"> Allows amendment upon showing of substantial evidence that there is a taking of private property rights Amendment must narrowly construe compliance requirements City Council determination subject to referendum 	<ul style="list-style-type: none"> Allows amendment upon showing of substantial evidence that there is a taking of private property rights Determination must be based on : <ol style="list-style-type: none"> Court order; Other judicially-approved process; Dispute-resolution process. <u>City Council determination subject to referendum</u>

REVISED COMPARATIVE ANALYSIS

Issues Analysis

Annotation Notes for Proposed Changes:

3. CCofC ¶ 2.4: "... to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture."
4. CCC ¶ Exhibit2 "Permit only the following uses... 1. Farming, including strawberry and flower production."
5. CCofC ¶ 3.12 B.2 "... through the willing compliance of affected parties or the establishment of special City programs designed to ensure that coastal agricultural production is maintained."
- * CCofC ¶ 2.4 & 3.9 "...the will of the People of the City of Carlsbad is to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture." "...definition of Coastal Agriculture...Lands located within the coastal zone of the City that support production of agricultural products."
10. CCofC ¶ 3.10 "Land within this ownership may be used only for existing utility transmission corridors, coastal agricultural production and open space."
11. CCofC ¶ 2.4 "...to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture."
12. CCofC ¶ 2.4 "...to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture."
13. CCofC ¶ 2.4 "...to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture."
14. CCofC ¶ 2.4 "...to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture."
17. CCofC ¶ 5.1 "This initiative shall be subject to amendment by the City Council... upon showing... that implementation... will... (b.) ...deprive any person, organization or entity of their Constitutional rights, including property rights, and no takings shall be allowed through the construction or implementation of this initiative."
CCC ¶ 7.3 "This measure shall be subject to amendment by the City Council... if any portion or provision... is determined to be any taking of private property rights or an inverse condemnation of property by a final judgment of a court of competent jurisdiction..."
18. CCPS: "Carlsbad's spirit reflects: The importance of historical/cultural roots... The diversity of neighborhood character..."
CCofC: ¶ 2.1 "The purpose of this initiative is to conserve current coastal Open Spaces and historic coastal agricultural uses within the City of Carlsbad..."
CCPS: "Carlsbad is a community that cares about... Neighborhoods with a strong sense of identity..."

Technical Analysis

Annotation Notes for Proposed Changes:

"Compliance":

CCPS: ¶ 5.1 "This initiative shall be subject to amendment by the City Council... to affect City compliance with any State mandated programs... or matters otherwise required by State law..."

Federal Register: June 28, 2000: "The city of Carlsbad includes a Habitat Management Plan that qualifies... as... a Natural Community Conservation Plan pursuant to State Law."

EXHIBIT B:

**COASTAL AGRICULTURAL ZONING ORDINANCES FOR THE CITIES
OF OXNARD, AND VENTURA; AND THE COUNTIES OF SANTA
BARBARA AND MARIN.**

CITY OF OXNARD

Community Reserve Zone

DIVISION 16. C-R COMMUNITY RESERVE ZONE

SEC. 16-255. PURPOSE.

The purpose of this C-R Community Reserve Zone is to provide a district of predominantly open land uses which in the public interest should retain this character.

(`64 Code, Sec. 34-103) (Ord. No. 894, 1401)

SEC. 16-256. PERMITTED USES.

The following uses are permitted in this zone:

- (A) Agriculture, plant husbandry, forestry, the growing of plant cover and the sale of produce and plants raised on the premises;
- (B) Grazing of livestock, provided that the principal food supply of the livestock shall be growing forage cropped on the premises and the livestock are not fed garbage or refuse;
- (C) Corrals or similar places to gather animals located at least 100 feet from the nearest lot line and at least 50 feet from a public right-of-way;
- (D) Keeping domesticated farm animals incidental to the operation of a permitted use, including the raising of rabbits, poultry, pigeons or other fowl provided that pens, hutches, coops or other structures for the keeping of such animals are located on the lot in accordance with regulations contained in this section governing location of such structures for livestock.
- (E) Recreation facilities of a primarily open nature such as parks, playgrounds, aquatic parks, and golf courses;
- (F) Accessory buildings, including other uses customarily incidental to a permitted use;
- (G) Off-street parking, as provided herein;
- (H) Adult day care facility serving no more than six adults, per ownership parcel, subject to the minimum standards for single-family residences stated above;

CITY OF OXNARD

Community Reserve Zone

(I) Child care center serving no more than six children, per ownership parcel, subject to the minimum standards for single-family residences stated above;

(J) Congregate living health facilities of no more than six beds;

(K) Large family day care home that the Planning Manager finds to comply with the standards set out in section 16-440, per ownership parcel, subject to the minimum standards for single-family residences stated above;

(L) Residential care facility for the elderly serving no more than six persons, subject to the minimum standards for single-family residences stated above; and

(M) Small residential health or care facility that conforms to city ordinances restricting building heights, setbacks, lot dimensions, placement of signs and other matters applicable to single-family dwelling of the same type in the same zone, and that provide services to no more than six persons, or to no more than eight children in the case of a small family day care home.

('64 Code, Sec. 34-103.1) (Ord. No. 894, 1126, 1270, 1401, 1713, 2671)

SEC. 16-257. RELATED USES

The following uses shall be permitted only on approval of a special use permit as provided in sections 16-530 to 16-553:

(A) Agricultural processing of a temporary or seasonal nature;

(B) Cemeteries;

(C) Congregate living health facilities of seven to 15 beds; except that such facilities shall not be allowed in the airport hazard overlay zone;

(D) Churches;

(E) Oil drilling sites;

(F) Private or parochial schools, including asylums and other schools of a correctional nature;

(G) Public schools-elementary, junior high, high school and colleges;

(H) Public utility structures;

(I) Quarries;

¹ [http://www.amlegal.com/nxt/gateway.dll/California/oxnard/oxnardcaliforniacodifiedordinances?f=templates\\$fn=default.htm\\$3.0](http://www.amlegal.com/nxt/gateway.dll/California/oxnard/oxnardcaliforniacodifiedordinances?f=templates$fn=default.htm$3.0)

CITY OF OXNARD

Community Reserve Zone

- (J) Riding academies;
- (K) Rod and gun clubs;
- (L) Summer camps;
- (M) Swap meet, provided that the use is incidental to a primary use, such as a school, church or similar institutional use.
- (N) Similar uses of an open or temporary use;
- (O) Signs, as permitted in article IX of this chapter;
- (P) One single-family residence per lot;
- (Q) Housing for farm workers;
- (R) Mobile homes used as temporary housing for a caretaker or ranch foreman on parcels of not less than 40 acres, where an employee is on the property for a substantial portion of each day for vital functions, or protection from vandalism;
- (S) Sale of agricultural products grown off the premises; and
- (T) Similar uses of an open or temporary use.

('64 Code, Sec. 34-103.2) (Ord. No. 1713, 1788, 2561, 2671)

SEC. 16-258. PROHIBITED USES

Feed lots are prohibited in the C-R zone.

SEC. 16-259. INDUSTRIAL SERVICE CENTERS.

Industrial service centers may be established pursuant to the provisions of section 16-192.

('64 Code, Sec. 34-103.3) (Ord. No. 1922, 1941)

SEC. 16-260. HEIGHT PERMITTED.

Two stories in height shall be permitted, not to exceed 25 feet, except as otherwise provided in this chapter.

('64 Code, Sec. 34-104) (Ord. No. 894)

¹ [http://www.amlegal.com/nxt/gateway.dll/California/oxnard/oxnardcaliforniacodifiedordinances?f=templates\\$fn=default.htm\\$3.0](http://www.amlegal.com/nxt/gateway.dll/California/oxnard/oxnardcaliforniacodifiedordinances?f=templates$fn=default.htm$3.0)

CITY OF OXNARD

Community Reserve Zone

SEC. 16-261. FRONT YARD.

There shall be a front yard of not less than 25% of the depth of the parcel; provided that such front yard need not exceed 50 feet.

('64 Code, Sec. 34-104.1) (Ord. No. 894)

SEC. 16-262. SIDE YARD.

(A) There shall be a side yard of not less than 10% of the width of the parcel; provided that such side yard need not exceed 50 feet.

(B) The street side yard shall not be less than five feet on a minor street or less than ten feet on a major thoroughfare.

('64 Code, Sec. 34-104.2) (Ord. No. 894)

SEC. 16-263. REAR YARD.

There shall be a rear yard of not less than 25% of the depth of the lot; provided that such rear yard need not exceed 50 feet.

('64 Code, Sec. 34-104.3) (Ord. No. 894)

SEC. 16-264. LOT COVERAGE.

The total area of the parcel which may be covered by buildings or structures shall not exceed 25% of the total lot area.

('64 Code, Sec. 34-104.4) (Ord. No. 894)

CITY OF VENTURA

AGRICULTURAL ZONING ORDINANCE¹

Chapter 24.270 A Agricultural Zone*

*Cross references: Animals, ch. 8.050.

Sec. 24.270.010. Chapter description.

Chapter 24.270 establishes the Agricultural ("A") Zone and prescribes use types and other regulations for this zone. Any applicable overlay zones described in chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this chapter for the A zone. The provisions of this chapter are intended to:

1. Permit and encourage agricultural use and related open land uses which are an important economic asset to the city;
2. Preserve lands best suited for agricultural activities from the encroachment of incompatible uses;
3. Prevent the intrusion of urban development into agricultural areas in such a manner as to make agricultural production uneconomical or impractical;
4. Preserve in agricultural use or in essentially open land uses land suited for eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed, to ensure the orderly and beneficial conversion of these lands to an urban use;
5. Provide appropriate areas for certain open uses of land which are not injurious to agricultural uses, but which may not be harmonious with urban uses; and
6. Establish a district for agricultural and open land uses which promotes the public interest by encouraging, preserving, and protecting such uses.

(Code 1971, § 15.270.010)

Sec. 24.270.020. Uses--Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. *Residential.*

Family Residential: Single Family

2. *General.*

Recreation Services: Public Parks and Playgrounds

Wireless Telecommunications Facilities: Mini

Wireless Telecommunications Facilities: Minor

3. *Agricultural.*

Animal Husbandry

Apiculture

Crop Production

Horticulture: Cultivation

Horticulture: Storage

Produce Sales

(Code 1971, § 15.270.020; Ord. No. 2000-04, § 52, 1-24-00)

CITY OF VENTURA

AGRICULTURAL ZONING ORDINANCE¹

Sec. 24.270.030. Same--Subject to a use permit.

The following use types may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. *Residential.*

Family Residential: Caretaker

Farm Employee Housing

2. *General.*

Safety Services

Utility or Equipment Substations

Wireless Telecommunications Facilities: Major

3. *Agricultural.*

Indoor Production

(Code 1971, § 15.270.030; Ord. No. 2000-04, § 53, 1-24-00)

Sec. 24.270.040. Same--Incidental.

Incidental uses as defined in chapter 24.110 may be permitted.

(Code 1971, § 15.270.030)

Sec. 24.270.050. Same--Special provisions.

Uses listed in section 24.270.020 through section 24.270.040 must also comply with the following special provisions:

1. *Design review.* Design review approval must be obtained to the extent required by chapter 24.545.

2. *Temporary uses.* Temporary uses may be conducted only to the extent allowed by chapter 24.120;

3. *Home occupations.* Home occupations may be conducted only to the extent allowed by chapter 24.125;

4. *Factory-built homes.* Factory-built homes may be used for residential purposes in the same manner as conventional site-built housing subject to the provisions of this chapter;

5. *Family Residential: Caretaker.* All caretakers' residences must comply with the provisions of chapter 24.435;

6. *Farm Employee Housing.* All Farm Employee Housing uses must comply with the provisions of chapter 24.435;

7. *Domestic animals.* Domestic animals, as defined in chapter 24.110, are permitted, provided that, no more than six adult animals over the age of four months are permitted per dwelling unit, and further provided that, no more than three adult dogs shall be permitted per dwelling unit.

8. *Wild animals.* Wild animals may be permitted in the A zone only if all the following provisions of this subsection 8. are complied with:

(a) The only wild animals that may be permitted are:

(1) Chipmunks or squirrels

(2) Turtles

(3) Raccoons

¹ <http://www.municode.com/resources/gateway.asp?pid=10135&sid=5>

CITY OF VENTURA

AGRICULTURAL ZONING ORDINANCE¹

- (4) Marmoset, spider or squirrel monkeys
 - (5) Non-poisonous snakes
 - (6) Hawks, falcons or other raptors;
 - (b) No such wild animal may be kept or maintained unless any and all permits required by the California Department of Fish and Game have been approved therefor; and
 - (c) Such wild animals may only be kept and maintained for non-commercial purposes.
9. *Apiculture*. Apiculture uses may be permitted, provided that the following standards are met:
- (a) No occupied hive shall be located or maintained within 150 feet of any lot line, except where such lot lines common with other property occupied by an apiculture and honey extraction use.
 - (b) No occupied hive shall be located or maintained within 400 feet of any dwelling unit on any adjacent properties or within 100 feet of any dwelling unit on the same property as that occupied by such use.
10. *Animal Husbandry*. Animal Husbandry uses must comply with all the following provisions:
- (a) The number of animals being raised for commercial purposes shall not exceed two adult animals and their immature offspring per acre; and
 - (b) No animals shall be kept or maintained on the site for purposes other than raising such animals for commercial use by a person residing at the site or for subsequent sale. Boarding, training, or otherwise keeping any domestic animal not owned by a person residing at the site is prohibited;
 - (c) All corrals, barns, pens, or other similar structures or areas of livestock gathering shall be located at least 100 feet from any lot line, at least 400 feet from any dwelling unit on any adjacent properties, and at least 100 feet from any dwelling unit on the same property, and at least 100 feet from any public park, school, hospital, or similar institution.
11. *Livestock grazing*. Grazing of livestock animals is permitted provided that, all the following standards are met:
- (a) The principal food supply of such grazing animals shall be growing forage cropped by livestock on the premises;
 - (b) Feeding of garbage or refuse to the grazing animals is prohibited; and
 - (c) Establishment of feed lots of any kind is prohibited.
12. *Wireless Telecommunications Facilities: Minor*. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a director's permit pursuant to chapter 24.505.
- (Code 1971, § 15.270.050; Ord. No. 2000-04, § 54, 1-24-00)

Sec. 24.270.060. Standards--Density.

The following density standards shall apply in the A zone:

- 1. *Lot area*. Each lot in this zone shall have a minimum area of 40 acres.
- 2. *Lot width*. Each lot in this zone shall have a minimum average width of 200 feet.

¹ <http://www.municode.com/resources/gateway.asp?pid=10135&sid=5>

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AGRICULTURAL ZONING ORDINANCE¹

3. *Lot coverage.* All buildings and structures on the lot shall not occupy more than 50 percent of the lot area.

(Code 1971, § 15.270.060)

Sec. 24.270.070. Same--Height.

A. *Height determination.* The height of buildings and other structures in the A zone shall be determined in accordance with section 24.405.040.

B. *Maximum height.* Regardless of the number of stories comprising a building or structure, no portion of a building or other structure in the A zone shall exceed 35 feet in height except as provided in section 24.405.030.

(Code 1971, § 15.270.070)

Sec. 24.270.080. Same--Yards.

Fences, walls, and other uses of yards in the A Zone shall comply with the yard requirements contained in chapter 24.410.

(Code 1971, § 15.270.080)

Sec. 24.270.090. Same--Setbacks.

No building or other structure, not including fences or walls, nor vehicle parking area, nor farm equipment storage area, on a lot in the A zone shall be located within 50 feet of any lot line.

(Code 1971, § 15.270.090)

Sec. 24.270.100. Same--Other.

The following development regulations and standards shall also apply within the A zone:

1. *Parking.* Off-street parking must be provided for all uses as required by chapter 24.415.

2. *Signs.* All signs must comply with the provisions of chapter 24.420.

3. *Coastal development.* All development within the CP Overlay Zone shall comply with the provisions of chapter 24.310 and chapter 24.515.

4. *Flood Plain Overlay Zones.* All development within a designated Flood Plain (FP) Overlay Zone shall comply with the provisions of chapter 24.320 and chapter 24.530.

5. *Vehicle repair.* Repair of vehicles may be carried out on sites occupied by residential land uses only if all the following conditions are met:

(a) The vehicle under repair must be owned by the current resident of the property upon which the repairs are being made.

(b) Registration or proof of current ownership of the vehicle being repaired shall be available for inspection on the premises at all times while the vehicle is under repair.

(c) Vehicle repairs may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.

(d) Repair of a particular vehicle shall be conducted and completed in no more than 30 days.

¹ <http://www.municode.com/resources/gateway.asp?pid=10135&sid=5>

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(e) Storage of any vehicle under repair, or storage of parts of a vehicle, upon a public street or alley or upon an unpaved yard area, other than a driveway, is prohibited.

(f) Body work on a vehicle is prohibited.

(g) Painting of a vehicle or any portion of a vehicle is prohibited.

(Code 1971, § 15.270.100)

Sec. 24.270.110. Nonconformance.

All nonconforming uses, nonconforming structures, and nonconforming lots are subject to the provisions of chapter 24.465.

(Code 1971, § 15.270.110)

¹ <http://www.municode.com/resources/gateway.asp?pid=10135&sid=5>

COUNTY OF SANTA BARBARA

*Coastal Zoning Ordinance*¹

Sec. 35–50. Title and Purpose

The regulations contained in this Article shall be known as and referred to as the “Coastal Zoning Ordinance of Santa Barbara County.”

On March 17, 1981, the California Coastal Commission, pursuant to PRC Section 30512(d), certified most of County's Land Use Plan (LUP). The next step required in the preparation of the Local Coastal Program (LCP) is the preparation and adoption by County of this zoning ordinance, which will implement the certified LUP by classifying and regulating the uses of land, buildings, and structures within the Coastal Zone.

The purposes of this ordinance are to:

1. Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and manmade resources.
2. Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of this County and of the State.
3. Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
4. Assure priority for coastal-dependent and coastal-related development over other development on the coast.
5. Provide a definite plan for development so as to guide the future growth of the County within the Coastal Zone.
6. Protect the character and stability (social and economic) of agricultural, residential, commercial, and industrial areas.

Sec. 35-68. AG-I Agriculture I

Sec. 35-68.1. Purpose and Intent

The purpose of the Agriculture I district is to designate and protect lands appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils.

Sec. 35-68.0. Processing

No permits for development including grading shall be issued except in conformance with Sec. 35-169 (Coastal Development Permits).

Sec. 35-68.3 Permitted Uses

¹ County of Santa Barbara, Coastal Zoning Ordinance – Chapter 35, Article II, Republished July 2004

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1. All types of agriculture and farming except a dairy, hog ranch, animal feed yard, or animal sales yard, subject to the limitations hereinafter provided in this Sec. 35-68.
2. Raising of animals not to exceed one horse, mule, cow, llama or ostrich; or three goats, hogs, or other livestock not specifically enumerated herein, shall be permitted for each 20,000 square feet of gross area of the lot upon which the same are kept.. In no case shall more than three hogs be kept on any such lot.
3. Private kennels, and small animals and poultry raising limited to reasonable use on a non-commercial basis.
4. Sale of agricultural products produced on the premises provided that such sale in conducted either within an existing agricultural building or from a separate stand not exceeding two hundred (200) square feet and located no closer than twenty (@)) feet to the right-of-way line of any street.
5. Greenhouses, hothouses, other plant protection structures, and related development, i.e., packing shed, parking, driveways, etc.
6. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974.
7. One guest house or artist studio per legal lot subject to the provisions of Sec. 35-120 (General Regulations).
8. Home occupations, subject to the provisions of Sec. 35-121 (General Regulations).
9. One Attached Residential Second Unit per legal lot in the AG-I-5, AG-I-10, and AG-I-20 zone districts, subject to the provisions of Sec. 35-142.
10. Special Care Homes, subject to the provisions of Section 35-143.
11. Accessory uses, buildings, and structures which are customarily incidental to the above uses.

Sec. 35-68.4. Uses Permitted with a Major Conditional Use Permit

1. Commercial raising of animals, boarding of animals, and commercial riding stables.
2. Animal hospitals, and animal husbandry services.
3. Facilities for the sorting, cleaning, packing, freezing, loading, transporting, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form provided.
4. Farm labor camps, including trailers, for housing five or more employees engaged fulltime in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Sec. 35-132.
5. Within the Carpinteria Agricultural Overlay District, greenhouses and greenhouse related development of any size on slopes between five and 10 percent. No exception to this requirement, such as that stated under subsection (3) above, shall apply.

Sec. 35-68.5. Uses Permitted with a Minor Conditional Use Permit

¹ County of Santa Barbara, Coastal Zoning Ordinance – Chapter 35, Article II, Republished July 2004

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1. Additional dwellings for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the dwelling is located.
2. One Detached Residential Second Unit per legal lot in the AG-I-5, AG-I-10, and AG-I-20 zone districts, subject to the development standards and requirements set forth in Division 7, General Regulations, Sec. 35-142A.
3. Commercial kennels.

Sec. 35-69. AG-II Agriculture II

Sec. 35-69.1. Purpose and Intent

The purpose of the Agriculture II district is to establish agricultural land use for large prime and non-prime agricultural lands in the rural areas of the County and to preserve prime and non-prime soils for long-term agricultural use.

Sec. 35-69.2. Processing

No permits for development including grading shall be issued except in conformance with Sec. 35-169. (Coastal Development Permit).

Sec. 35-69.3. Permitted Uses

1. All types of agriculture and farming, including commercial raising of animals, subject to the limitations hereinafter provided in this Sec. 35-69.
2. Sale of agricultural products produced on the premises provided that such sale is conducted either within an existing agricultural building or from a separate stand not exceeding two hundred (200) square feet and located no closer than twenty (20) feet to the right-of-way line of any street.
3. Commercial boarding of animals.
4. Private and/or commercial kennels.
5. One single family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974.
6. One guest house or artist studio per legal lot subject to the provisions of Sec. 35-120 (General Regulations).
7. Greenhouses, hothouses, or other plant protection structures, and related development, i.e., packing shed, parking, driveways; however, for any development of 20,000 square feet or more all additions which when added to existing development total 20,000 square feet or more, a development plan shall be submitted, processed, and approved as provided in Sec. 35-174. (Development Plans)
8. On-shore oil development, including exploratory and production wells, pipelines, storage tanks, processing facilities for on-shore oil and gas, and truck terminals subject to the requirements set forth in Division 9, Oil and Gas Facilities.

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9. Excavation or quarrying of building or construction materials, including diatomaceous earth, subject to the provisions of Sec. 35-177 (Reclamation Plans).
10. Home occupations, subject to the provisions of Section 35-121.
11. Special care homes, subject to the provisions of Section 35-143.4.
12. Accessory uses, buildings, and structures which are customarily incidental to the above uses.

Sec. 35-69.4. Uses Permitted with a Major Conditional Use Permit

1. Animal hospitals and clinics.
2. Low-intensity recreational development such as hiking trails, public riding stables, recreation camps, campgrounds, retreats, and guest ranches, provided that such development:
 - a) Is in character with the rural setting.
 - b) Does not interfere with agricultural production on or adjacent to the lot on which it is located,
 - c) Does not include commercial facilities open to the general public who are not using the recreational facility, and
 - d) Does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
3. Wineries, including processing, distribution, and sale of wine grapes and wine grapes products grown off the premises, provided:
 - a) The winery is located on the premises used for vineyard purposes,
 - b) The winery is operated in connection with the processing of wine grapes grown on the premises, and
 - c) Retail sales of wine grape products shall be limited to those processed on the premises.
4. Facilities for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form.
5. Piers and staging areas for oil and gas development subject to the regulations.
6. Aquaculture, subject to the provisions of Sec. 35-136.
7. Sorting, cleaning, and further breaking and storing of abalone shells landed live in Santa Barbara County, preparatory to shipment in their natural form.
8. Farm labor camps, including trailers, for housing five or more persons engaged full-time in agriculture working on or off the farm or ranch upon the dwelling(s) is located subject to the provisions of Sec. 35-132.9 (General Regulations).
9. Exportation and production of offshore oil and gas reservoirs from onshore locations including exploratory and production wells, pipelines, temporary storage tanks, dehydration and separation facilities, and temporary truck terminals located within the Gaviota or Las Flores Canyon Consolidated Oil and Gas Planning Areas.

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Sec. 35-69.5. Uses Permitted with a Minor Conditional Use Permit

1. Additional dwellings for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the dwelling is located provided:
 - a) The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support such use; and
 - b) The applicant provides proof of the full-time employment of the employees.

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Title 22I ZONING (Interim)*

Chapter 22.57I SPECIFIC REGULATIONS FOR VARIOUS COASTAL DISTRICTS

22.57.010I Application of specific regulations.

22.57.020I C-ARP -- Coastal agricultural, residential, planned districts.

22.57.030I C-APZ -- Coastal agricultural production zone districts.

22.57.040I C-R-A -- Coastal residential, agricultural districts.

22.57.010I Application of specific regulations.

The following specific regulations of this chapter, in addition to the general regulations cited in Chapter 22.56I, shall apply to all coastal districts except as specifically exempted herein. (Ord. 2637 § 6 (part), 1981)

22.57.020I C-ARP -- Coastal agricultural, residential, planned districts.

22.57.021I Purpose. This zone provides flexibility in lot size and building locations and thereby promotes the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use and to maintain the visual, natural resource and wildlife habitat values of the property and surrounding areas.

22.57.022I Principal Permitted Uses. The following uses are permitted in all C-ARP districts subject to an approved master plan:

1. Dairying;
2. Grazing or breeding of cattle or sheep;
3. Raising or keeping of poultry, fowl (including game birds), rabbits or goats or similar animals;
4. Fish hatcheries and rearing ponds; oyster farming; mariculture;
5. Crop, vine or tree farm, truck garden, greenhouse, horticulture;
6. Farm and ranch buildings including dwelling, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abattoir for cattle, sheep or hogs; dwellings shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the

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satisfaction of the planning director. The total number of dwellings shall not exceed the density permitted in the district;

7. Single-family dwellings;
 8. Grazing, breeding or training of horses; horse stables, including riding academies and boarding facilities incidental to these uses;
 9. The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal or mineral preserves;
 10. Horseback riding or hiking trails;
 11. Public or private hunting of wildlife or fishing;
 12. Erection, construction, alteration or maintenance of gas, electric, water, communication or flood control facilities as approved by the appropriate governmental agencies;
 13. Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms.
- 22.57.023I Conditional Uses. The following uses are permitted in all coastal agricultural districts, subject to the securing of a use permit in each case:

1. Hog ranch;
2. Aircraft landing strip;*
3. Facilities for processing or retail sale of agricultural products;
4. Commercial storage and sale of garden supply products;
5. Animal hospitals and dog kennels;
6. Mining and quarrying, and production operations and facilities related thereto;*
7. Timber harvesting in accordance with the regulations of Title 23 of this code;
8. Rifle or pistol practice range, trap or skeet field, archery range or other similar use;
9. Rodeo arena and related facilities;*
10. Institutional uses and the facilities necessary therefor, related to educational, scientific, recreational or religious purposes;*
11. Mobile homes not on permanent foundations, so long as they are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land;
12. Storage and sale of building materials;*
13. Dump;*
14. Junkyard;*
15. Public and private hunting fishing club facilities;*
16. Bed and breakfast operations as defined in Section 22.02.103I, which provide four but not more than five guest rooms.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.024I Design Standards. The following requirements for project design, site preparation, and use shall be imposed through the master plan, development plan and/or design review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan:

1. Project Design.
 - a. Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

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b. Ridgelines. There shall be no construction permitted on top of, within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

c. Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the department of public works, based on acceptable soils and geologic reports.

d. Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.020 through 24.04.320 (Roads and Driveways), and Sections 24.04.840 through 24.04.860 (Utilities). In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

e. Fire Protection. In rural areas (areas without water systems), on-site water storage capacity may be required for each single-family residence, subject to the requirements of the Marin County fire department. In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the Marin County fire department.

f. Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access; the use of indigenous species and minimal water use shall be considered in landscaping plans.

g. Building Location/Design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots shall be sited and designed according to the following principles:

A. Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

B. Building Height. No part of a residential building shall exceed twenty-five feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in subdivision 1b, a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and environmental quality policies of the countywide plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon design review approval.

C. Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in subdivision 1a above, efforts shall be made to keep driveway length to a minimum.

D. Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

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h. Facilities. Where possible, facilities and design features required by the countywide plan shall be provided through the master plan/ development plan process. These include use of reclaimed wastewater; use of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

i. Agricultural and Open Space Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available, on a lease basis, in the future, for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and intensity of large scale agricultural uses should be described in the form of an agricultural management plan.

Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the county may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted county and coastal plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

j. Open Space Dedication and Maintenance. Nonagricultural land to be preserved as open space may be dedicated by fee title to the county of Marin. The county of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation. Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and comment.

a. Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land, skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock out-croppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Chapter 22.56I and Title 24 of this code.

b. Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction.

c. Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized, whenever possible, in place of culverts.

d. Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats.

22.57.025I Density. The ordinance adopting any C-ARP district shall specify the number of acres per dwelling unit, which will be allowed within the C-ARP district.

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22.57.026I Submission Requirements. Applicant shall submit:

1. Requirements contained in Chapters 22.45 and 22.56I except that, all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived by the planning director. If these requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82I (Design Review). (Ord. 2884 § 4 (1, 2), 1985; Ord. 2637 § 6 (part), 1981)

22.57.030I C-APZ -- Coastal agricultural production zone districts.

22.57.031I Purpose. The purpose of the agricultural production zone is to preserve lands within the zone for agricultural use. The principal use of lands in the C-APZ districts shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards as set forth in this chapter.

22.57.032I Principal Permitted Uses. The following uses are permitted in all C-APZ districts subject to an approved master plan:

1. Agricultural Uses. For the purposes of the coastal agricultural production zone, agricultural uses are defined as uses of land to grow and/or produce agricultural commodities for commercial purposes, including:

- a. Livestock and poultry: cattle, sheep, poultry, goats, rabbits, horses unless they are the primary animals raised;
- b. Livestock and poultry products: milk, wool, eggs;
- c. Field, fruit, nut and vegetable crops: hay, grain, silage, pasture, fruits, nuts and vegetables;
- d. Nursery products: nursery crops, cut plants.

2. One single-family dwelling per parcel. Parcel is defined as all contiguous assessors' parcels under common ownership (unless legally divided as per Title 20, Marin County Code).

3. Accessory structures or uses appurtenant and necessary to the operation of agricultural uses, other than dwelling units of any kind; but, including barns, fences, stables, corrals, coops and pens, and utility facilities.

4. Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms.

22.57.033I Conditional Uses. The following uses are permitted in all coastal agricultural production zone districts, subject to the securing of a use permit in each case. When it is determined by the planning director that any of the following uses constitute a major land use change, a master plan submitted in accordance with Chapter 22.45 may be required.

1. Farmworker housing;
2. Mobile homes which are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land;
3. Hog ranch;
4. Veterinary facilities;
5. Fish hatcheries and rearing ponds;
6. Stabling of more than five horses on ranches where horses are the primary or only animals raised;
7. Raising of other food and fiber producing animals not listed under subsection (1) of Section 22.57.032I;
8. Planting, raising or harvesting of trees for timber, fuel or Christmas tree production;
9. Facilities for processing or retail sale of agricultural products;

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10. Greenhouses;
 11. Commercial storage and sale of garden supply products;
 12. Water conservation dams and ponds;
 13. Mineral resource production;
 14. Game or nature preserve or refuge;
 15. Public or private recreational activities, such as hunting, fishing and camping;
 16. Bed and breakfast operations as defined in Section 22.02.103I, which provide four but not more than five guest rooms;
 17. Construction or alteration of gas, electric, water, communication or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies;
 18. Dump.
- 22.57.034I Density. The ordinance adopting a C-APZ district shall specify the minimum number of acres per dwelling unit which will be required within the C-APZ district. The C-APZ district shall have a maximum density of one unit per sixty acres; actual density shall be determined through the master plan process.
- 22.57.035I Development Standards and Requirements. All development permits in the C-APZ district shall be subject to the following standards and requirements:
1. All development shall be clustered to retain the maximum amount of land in agricultural production or available for agricultural use. Development, including all land converted from agricultural use such as roads and residential support facilities, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage to be left in agricultural production and/or open space. Development shall be located close to existing roads and shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.
 2. Permanent conservation easements over that portion of the property not used for physical development or services shall be required to promote the long-term preservation of these lands. Only agricultural uses shall be allowed under the easements. In addition, the county shall require the execution of a covenant not to divide the parcels created under this division so that they are retained as a single unit and are not further subdivided.
 3. The creation of a homeowner's or other organization and/or the submission of the agricultural management plans may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of community roads or mutual water systems.
 4. Design standards as set forth in Section 22.57.024I.
- 22.57.036I Required Findings. Review and approval of development permits including a determination of density shall be subject to the following findings:
1. The development will protect and enhance continued agricultural use and contribute to agricultural viability.
 2. The development is necessary because agricultural use of the property is no longer feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.
 3. The land division of development will not conflict with the continuation or initiation of agriculture, on that portion of the property which is not proposed for development, on adjacent parcels, or those within one mile of the perimeter of the proposed development.
 4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to service the proposed development after

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provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream habitats or significantly reduce freshwater inflows to Tomales Bay, either individually or cumulatively.

5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.

6. The proposed land division and/or development will have no significant adverse impacts on environmental quality or natural habitats, including stream or riparian habitats and scenic resources. In all cases, LCP policies on streams and natural resources shall be met.

22.56.0371 Transfer of Development Rights (TDR) in C-APZ Districts. Notwithstanding provisions of this and other sections regarding density, the number of units permitted on one property (the donor property) may be transferred and built on another (receiving) property (either contiguous or noncontiguous), resulting in a higher density than that which the (receiving) property is zoned for, under certain circumstances, as described in this section. This process, which allows development rights from one property to be determined and transferred to a second property, is called transfer of development rights (TDR).

1. Purpose. The purpose of TDR is to relocate potential development from areas where environmental or land use impacts could be severe to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

2. Application. The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to approval by the County through the Master Plan Process. The property for which TDR is proposed must be located within a community plan, countywide plan or local coastal plan area and the adopted community plan, countywide plan or local coastal plan policy must recommend TDR as an appropriate plan implementation. Through the master plan approval process, the applicant(s) must demonstrate that it is necessary to conserve the property from which density is being transferred, and that the property which receives this additional density can accommodate it. This demonstration shall be consistent with the criteria for evaluation of TDR proposals described in applicable community plans or countywide Plan policies.

3. Submission requirements. In addition to the information required for a master plan submission under Chapter 22.45, the following additional information shall be provided where TDR is being considered:

a. Affidavits of consent from all registered property owners of all property subject to the master plan. This shall include the property being conserved and the property being developed and receiving the transferred density rights;

b. A description of the property proposed for conservation outlining how the subject property fulfills the TDR conservation criteria as set out in the appropriate community plan or countywide plan policies;

c. A calculation of the number of units available to be transferred. The calculation shall be made as follows: The area of the parcel to be conserved divided by the number of acres per dwelling unit required by the zoning minus the existing number of dwellings. Any fraction of a unit, resulting from such a determination, of 0.90 or greater will be counted as a whole unit;

d. A description of the property proposed to receive the transferred density outlining the availability of support services and infra-structure necessary for development and how the subject property fulfills the TDR development criteria as set out in the appropriate community plan;

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- e. A description of the proposed conservation easement or restriction, as described and required in subsection (5) of Section 22.57.035I.
- 4. Approval Process. The approval process for a master plan involving TDR shall require the same approval process as set forth in subsection A of Section 22.45.050.
- 5. Conservation Easements or Restrictions. A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the master plan and which restrict the future development or division of the donor property in accordance with those conditions. Such conservation easements or restrictions must be recorded against the donor property prior to the recording of a parcel map or final map for the receiver property.
- 6. Density bonuses shall be considered if the proposed TDR meets the criteria set forth in the appropriate community plan or LCP. (Ord. 2909 § 2 (part), 1986; Ord. 2884 § 4 (3, 4), 1985; Ord. 2703 § 12, 1982)

22.57.040I C-R-A -- Coastal residential, agricultural districts.

22.57.041I Purpose. The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards.

22.57.042I Principal Permitted Uses. The following uses are permitted in all C-R-A districts:

- 1. Single-family residence;
- 2. Small livestock farming; provided, that not to exceed one horse, or one cow, or one hog, or three sheep, or three goats, or other similar livestock may be kept for each twenty thousand square feet of area of the lot, to a maximum of three horses, or three cows, or three hogs, or six sheep, or six goats or other similar livestock maintained on any one lot;
- 3. Crops, horticulture, nurseries and greenhouses;
- 4. Accessory buildings;
- 5. Home occupations; and
- 6. Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide not more than three guest rooms.

22.57.043I Conditional Uses. The following uses are permitted in all C-R-A districts, subject to securing a use permit in each case:

- 1. Public and private stables and riding academies;
- 2. Sale of agricultural products produced on the premises;
- 3. Public parks and playgrounds;
- 4. Buildings for the sale of agricultural and nursery products;
- 5. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children;
- 6. Dog kennels;
- 7. Livestock farming exceeding three cows or three horses or three hogs or six sheep;
- 8. Bed and breakfast operations as defined in Section 22.02.103I, which provide four but not more than five guest rooms.

22.57.044I Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200I, "Design standards table."

¹ http://municipalcodes.lexisnexis.com/codes/marincounty/_DATA/TITLE22I/Chapter_22_57I_SPECIFIC_REGULA.html#2

MARIN COUNTY

Coastal Agricultural Districts¹

22.57.0451 Exceptions. Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided further, that in lieu of the foregoing building site area regulations in any C-R-A district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot. (Ord. 2884 § 4 (5, 6), 1985; Ord. 2637 § 6 (part), 1981)

¹ http://municipalcodes.lexisnexis.com/codes/marincounty/_DATA/TITLE22/Chapter_22_57I_SPECIFIC_REGULA.html#2

APPENDICES

A. City Council
Agenda Bill No. 18535

CITY OF CARLSBAD - AGENDA BILL

AB# <u>18,535</u>	TITLE:	DEPT. HD. <u>[Signature]</u>
MTG. <u>4/18/06</u>	CITIZENS' COMMITTEE TO STUDY THE FLOWER FIELDS AND THE STRAWBERRY FIELDS AREA	CITY ATTY. <u>[Signature]</u>
DEPT. <u>CD</u>		CITY MGR <u>[Signature]</u>

RECOMMENDED ACTION:

That the City Council ADOPT City Council Resolution No. 2006-103, CREATING the Citizens' Committee to Study the Flower Field and the Strawberry Fields Area and APPOINTING citizens to membership of said Committee.

ITEM EXPLANATION:

At a City Council workshop held on April 5, 2006, the Council directed staff to return with an Agenda Bill creating a 25-member Citizens' Committee to Study the area east of I-5 along Cannon Road including and surrounding the existing Flower Fields and Strawberry Fields. Two initiatives relating to this area are being circulated with the intent to place them on the November, 2006 ballot. The City Council is also considering sponsoring its own ballot measure for the area. Given the fact that there may be alternative initiatives on the ballot in November, the Council determined that it would be prudent to have an Ad Hoc Citizens' Committee study the area, analyze the alternative initiatives and make any recommendations it deems appropriate to the City Council.

The specific tasks of the Citizens' Committee are proposed to be as follows:

- 1) Review all pertinent background information regarding this area of the city including all existing land use documents (General Plan, Growth Management Plan, Zoning, Local Coastal Plan, South Carlsbad Coastal Redevelopment Area, Specific Plans, etc.), historical information and recent land use visioning efforts;
- 2) Review the three proposed ballot measures relating to the area;
- 3) Receive public input on the area and on the ballot measures including presentations from the ballot measure proponents;
- 4) Prepare an independent and objective comparison of the three measures including, but not limited to, a summary and major provisions of the measures, allowable and restricted land uses, and follow-up implementation requirements (this comparison could then potentially be used as educational material to inform the voters concerning the measures); and
- 5) Make any other recommendations as deemed appropriate by the Committee regarding the measures or the future of the area.

It is tentatively proposed that the Committee would meet on Tuesdays or Thursdays from 9 am to 12 noon for a six-week period starting in late May. This would allow for the Committee's work to be completed and its report submitted to Council in advance of the final date for certification of all ballot measures on August 11, 2006. Staff is proposing that an independent, outside facilitator be used and that the Committee be staffed by the Community Development Director, with assistance from other staff members as necessary.

The City Council also directed staff to commence drafting a possible Council-sponsored ballot measure relating to the area based on the outline presented by the Mayor and discussed by the Council at the workshop on April 5th. Starting the Citizens' Committee meetings in May will allow staff time to draft a measure and return it to Council for review prior to the initiation of the committee meetings.

4/18/06 Council adopted Resolution No. 2006-103 as amended, to establish the Committee, and to set forth the duties and responsibilities of the Committee.
(NOTE: Members were not appointed at this meeting.)

COUNCIL ACTION:

PAGE 2

ENVIRONMENTAL:

The creation of the Committee and the appointment of members is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required. Any Council-sponsored measure placed on the ballot will require environmental review. Citizen-sponsored initiatives are specifically exempted from environmental review by CEQA.

FISCAL IMPACT:

There will be costs to the City in terms of staffing, administration and materials for the operation of the Citizens' Committee. A budget not to exceed \$100,000 is requested to be appropriated from the Council contingency fund to support the work of this Committee including an outside independent facilitator for the meetings and necessary environmental documents. An additional budget not to exceed \$100,000 is requested from the City Attorney's budget for the Election Code section 9212 reports.

EXHIBITS:

1. City Council Resolution No. 2006-103, creating the ad hoc Citizens' Committee

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RESOLUTION NO. 2006-103

**A Resolution of the City Council of the City of Carlsbad,
California, Creating A Committee to Study the Flower Fields
and the Strawberry Fields Area Between Cannon Road and
Palomar Airport Road.**

WHEREAS, an initiative entitled "Save the Strawberry and Flower Growing Fields Act of 2006" has been titled and summarized and is currently being circulated to obtain the requisite signatures for placement on the ballot according to the California Elections Code; and

WHEREAS, the proponents of a second initiative entitled "Parkland and Public Access Planning Initiative of 2006" has been submitted to the City Clerk and has been given a title and summary by the City Attorney for circulation; and

WHEREAS, both initiatives propose amending the Carlsbad General Plan; and

WHEREAS, the two initiatives are in conflict in its proposed amendments; and

WHEREAS, the City Council has requested a voluntary time out from both proponents which has not been agreed to at this time; and

WHEREAS, the City Council has expressed interest in the creation of a 25-member Citizens' Committee to Study the Flower Fields and the Strawberry Fields Area of the City, including citizens-at-large and representatives of various City Boards and Commissions to analyze and consider all view points on current land use policies and regulations regarding the best use of the undeveloped land along Cannon Road east of Interstate 5 before amending the General Plan for this area; and

WHEREAS, neither initiative addresses the future zoning or the Local Coastal Plan for this area; and

WHEREAS, this Citizens' Committee will analyze and present to the City Council a report and recommendation that the City Council must weigh in determining what General Plan, Local Coastal Plan and zoning designations will best promote the welfare of the citizens of Carlsbad, and

54

1 WHEREAS, the City Council directed the commencement of reports on the fiscal, economic,
2 legal and other information set forth in Election Code section 9212.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad,
4 California, as follows:

5 1. That the above recitations are true and correct.

6
7 2. That there is hereby created a Citizens' Committee to Study the Flower Fields and the
8 Strawberry Fields Area of the City whose charge shall be to analyze and present to the City
9 Council a report and recommendation on each of the proposed initiatives as well as a proposed
10 City Council measure to help determine what General Plan and Zoning designations will best
11 promote the welfare of the citizens of Carlsbad. The Committee shall review all pertinent
12 information regarding this area of the city including all existing land use documents (General
13 Plan, Zoning, Local Coastal Plan, etc.), historical information and recent visioning efforts;
14 review the proposed ballot measures relating to the area; receive public input on the area and
15 on the ballot measures including presentations from the ballot measure proponents; and
16 prepare an independent, objective comparison of the measures.

17
18 3. That the Ad Hoc Advisory Committee ("Committee") shall be appointed by the Mayor
19 with the advice and recommendations of the City Council and that the 25 members shall be a
20 combination of citizens-at-large and representatives of various City boards and commissions.

21
22 4. That the Committee shall meet approximately once a week for six weeks on either
23 Tuesday or Thursday mornings from 9 to 12 AM, or at such other times as determined by the
24 Committee. Additional meetings may be held if deemed necessary by the Committee,
25 however, in no case shall the Committee forward the results of its deliberations to the City
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1 Council later than July 18, 2006. At that time, the committee shall cease to exist. Committee
2 members shall serve without compensation.

3 5. That staff from the City of Carlsbad shall provide information on current land use
4 policies and regulations. The Committee shall be given all reasonable tools, resources,
5 background information and staff support necessary for it to accomplish its objectives. A
6 budget not to exceed \$100,000 is hereby appropriated from the Council contingency fund to
7 support the work of this Committee including an outside independent facilitator for the
8 meetings, fiscal impact analyses for all of the measures, and necessary environmental
9 documents. A budget not to exceed \$100,000 is hereby appropriated to the City Attorney's
10 budget for the Election Code section 9212 reports.
11

12 6. That the Committee shall select a Chairperson and Vice-Chairperson and shall establish
13 its operational ground rules for participation and voting.
14

15 7. That the Committee shall conduct its business in open and public meetings, which shall
16 be subject to the Ralph M. Brown Act (Gov. Code Section 54950 et seq.)

17 8. That the principal charge of the Committee is to analyze and present to the City Council
18 the merits of each initiative and/or measure.
19

20 9. That no member of the Committee shall participate in discussion or cast a vote on
21 recommendations where he or she is likely to have a conflict of interest. Members should
22 consult with the City Attorney if they have reason to believe a conflict will arise.

23 ///

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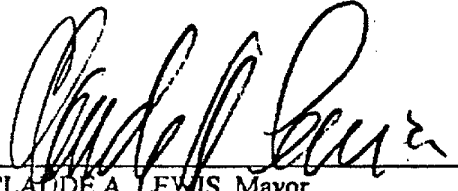
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PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the
City of Carlsbad on the 18th day of April, 2006 by the following vote, to wit:

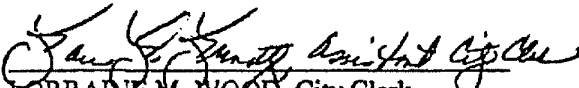
AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose

NOES: None

ABSENT: None


CLAUDE A. LEWIS, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)



B. Summary Meeting Notes and Agendas

City of Carlsbad

Citizens' Committee to Study the Flower Fields and Strawberry Fields Area

Summary Notes of Meeting #1

May 16, 2006, 9 a.m. to 12 p.m., City of Carlsbad, 1635 Faraday Avenue, Room 173B

Present:

Committee members: (*non-voting members)

<i>Pete Aadland</i>	<i>Vern Farrow</i>	<i>Kip McBane</i>
<i>Jill Agosti</i>	<i>Bob Garcin</i>	<i>Gina McBride</i>
<i>Jennifer Benner</i>	<i>Courtney Heineman*</i>	<i>Robert Morgan</i>
<i>Chris Calkins*</i>	<i>Gary Hill</i>	<i>Eric Munoz</i>
<i>Nancy Calverley*</i>	<i>Mark Johnson</i>	<i>Peder Norby</i>
<i>Marvin Cap</i>	<i>Pat Kurth</i>	<i>Seth Schulberg</i>
<i>Claudia Carrillo*</i>	<i>Keith Lewinger</i>	<i>Daniel Swiger</i>
<i>Bill Dominguez</i>	<i>Cary Manning</i>	<i>Mark Winkler</i>
<i>Farrah Douglas</i>	<i>Len Martyns</i>	

Present but not officially appointed to the committee until City Council meeting of 5/16/06:

Leslie Meyerhoff
Laura Means Pope

Absent:

*Marvin Sippel**
Heidi Willes

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Karen Chen – Management Analyst
Courtney Enriquez – Management Intern
Cynthia Haas – Economic and Real Estate Manager
Sandra Holder – Community Development Director
Bob Johnson – Deputy City Engineer, Transportation
Barbara Nedros – Administrative Secretary
Mark Steyaert – Park Development Manager
Jane Mobaldi – Assistant City Attorney

Michael Holzmillner – Former City Planning Director, Consultant to City

9 public/other

Facilitators from National Conflict Resolution Center:

Robin Seigle
Lisa Maxwell

Notetaker: Christina Simokat

I. Overview of Purpose: Mayor Pro Tem Matt Hall

- Purpose of this committee is to study the ballot initiatives
- There has been a history of citizen input committees to study growth, open space, trees, sidewalks, and preservation issues.

Goals:

- Review the properties, background and history
- Review ballot measures
- Receive public input with detailed presentations
- Make an objective comparison
- At the end, make recommendations

II. Introductions of Committee Members and Staff: Lisa Maxwell and Robin Seigle (NCRC)

Committee members asked to say their name, their occupation and one sentence about their interest in serving on the committee.

List of committee members' interests in participating in this process:

- History of community
- Objectivity and neutrality of process
- Future of Carlsbad
- Care about city
- Protect and realistic view point
- To voice opinions
- To have a voice in the process and results
- To add to the process
- To serve/give back to the community
- To contribute knowledge, technical expertise
- Strong belief in citizen participation
- Orderly development of city with balance of open space and property rights
- Quality of life
- Preserve and enhance access
- Balance
- Continue excellent city planning
- Opportunity

City of Carlsbad staff asked to say their job and their role with the Committee (see above).

III. Purpose and Scope of Committee:

Sandra Holder, Community Development Director

1. Review background of the properties
2. Review proposed ballot measures
3. Receive public input – including detailed presentations from ballot measure proponents
4. Prepare an independent and objective comparison
5. Other potential recommendations

Six week meeting timeframe

Report out by not later than July 18, 2006

Environmental review (CEQA)

Financial Analysis (9212 report)

IV. Process and Procedures: Robin Seigle and Lisa Maxwell (NCRC)

- There will be two new committee members (noted above) at the next meeting to replace two who resigned.
- Overview of and agreement on NCRC ground rules
- *Question:* Regarding the potential minority report (mentioned by Holder), which would be produced in the event that consensus is not reached. If someone dissents within the group, they will be asked to explain their view. Need to define what will constitute a majority.
- *Comments:*
 - Suggestion to have voting record to determine how much consensus there is. Record to include number of committee members for and against, not names?
 - Try to achieve complete consensus on the report, inclusive of majority and minority views.
 - Could there be more than one minority report?
 - The first product of this committee should be a factual report, not opinion
- *Question:* Is this committee subject to the Brown Act? Yes, Assistant City Attorney Mobaldi answered that this is a meeting, which falls under the Brown Act, and this means that the public is invited to attend these meetings and members of the committee are not allowed to discuss the issues outside of the meetings.
- Conflicts of interest: several members of this committee are ex officio members who will not be voting.
- *Question:* How will this committee's information be used, especially when there are already measures on the ballot? Holzmiller answered, to provide information to the City Council and the public.

Information from these public meetings will be available on the City of Carlsbad website www.carlsbadca.gov/chall

- *Question:* Will this committee be able to affect the wording of the City ballot initiatives? Holzmiller answered that it is possible to still affect the wording of the City's potential initiative.
- *Comments:*
 - We are now setting up to have a minority report when we should be aiming to produce an objective comparison.
 - Some feel there is already too much polarization, and some think that the discussion of consensus is premature and setting them up as *pro* and *con* and is too much pressure.
 - Facilitator explanation: with complete consensus, one person can block it. It is generally helpful to determine the standards for decision making at the beginning, not at the time the decision is being made. Possibilities are: complete consensus, general consensus – those that don't go along with the consensus can do a minority report, voting requiring a majority or some percentage, eg. 60/40, 70/30, 75/25, or other
 - Members of this committee should set aside their personal opinions about the issue for these meetings and analyze the initiatives objectively
 - The committee was convened to advise the city council.
 - The committee was convened to provide a neutral list of pros and cons for each of the initiatives, and that if additional recommendations surface, then those can also be presented to the city council.

Future meeting schedule:

- If a committee member cannot attend a meeting, Barbara Nedros, City of Carlsbad, (760) 602 2710, bnedr@ci.carlsbad.ca.us, can arrange for them to listen to the audio tape. A room will be made available at the City offices

As determined by the Committee, meetings will be as follows:

9 a.m. to 12 p.m. at the City of Carlsbad, 1635 Faraday, Room 173B

Tuesday, May 30, 2006

Tuesday, June 6, 2006

Thursday, June 15, 2006

Tuesday, June 20, 2006

Tuesday, June 27, 2006

July 11 tentatively held as backup meeting

July 18 tentatively held for final work on the report

Election of Chair and Vice Chair:

- *Question:* Can a non-voting member be the Chair/Vice-Chair? Group can decide according to Assistant City Attorney Mobaldi. Group voted no, a non-voting member cannot be a Chair or Vice-Chair.

Non-voting members include: Chris Calkins, Nancy Calverley, Claudia Carrillo, Courtney Heineman and Marvin Sippel.

- *Question:* Are the ex-officio members actually members of the committee? Yes, they are members, but they are non-voting, according to the Assistant City Attorney Mobaldi.

The Committee elected:

Chair: Eric Munoz

Vice-Chair: Kip McBane

V. Notebook Review – Michael Holzmillner

The notebook is available to the public at the Carlsbad libraries, at the Public Counter at the Faraday Center, 1635 Faraday Avenue, the City Manager's Office and each committee member has one.

Status of the existing ballot initiatives

1. *Carlsbad Gateway Parkland and Open Space Initiative of 2006* -- signatures are being gathered
2. *Save the Strawberry and Flower Growing Fields Act of 2006* -- signatures collected and submitted and currently under review
3. *The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006* -- City Council will be looking at that this evening (May 16, 2006).

➤ *Question:* Will the pipeline for the potential desalinization plant be involved in this property on site 4? Holzmilller answered that this will have to be reviewed, but that he believes the pipeline is located in the Cannon Road ROW.

The city does not have coastal permit authority on site 4 so any plan would have to be reviewed by the Coastal Commission.

The city does have permit authority on the Mello II sites. (Sites I, II & III)

All the measures involved will require that the Local Coastal Program be changed, so if any of the ballot initiatives are voted for by the voters, the Coastal Commission will have to review them, and will have the final authority.

Holzmilller noted that citizens' initiatives do not have to go through environmental review, but city initiatives do. Citizen initiatives require signatures, whereas city initiatives do not.

VI. Public Comments

Group decides that public comment will be restricted to 3 minutes, except for presentations.

1. *Ramona Finnila*, coordinator for Carlsbad Citizens for Usable Public Places (CCUPP): CCUPP offers to hold one-on-one study sessions for committee members, requests guidelines for presentations, requests a copy of the notebook, and requests review of state regulation 9212.

2. *Dan Conway*, no group affiliation. Glad to see this process happening. What is the rationale to change the city government center from the Faraday area to the strawberry/flower fields area? Is there a conflict of interest in the city structuring a review process of this site when it will benefit?

3. *Mike Bovenzi*: A previous citizens' committee recommended preserving these areas already. Density caps are being changed and will affect current property owners' use of their land. He requests that all committee members watch city council proceedings this evening.

VI. Committee Member Comments:

- Request that public be able to speak earlier in the meeting rather than at the end of the meetings.
- Another requested that the public comment period be restricted to a maximum of 20 minutes, except for the meeting that focuses on presentations from the proponents of the initiatives and public input.
- SDGE representative requests that their property be referred to as "SDG&E" rather than the "strawberry fields" as that name is misleading and creates an emotional reaction.

Notes prepared by NCRC staff.

City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Summary Notes of Meeting #2
May 30, 2006, 9 a.m. to 12 p.m.,
City of Carlsbad, 1635 Faraday Avenue, Room 173B

Present:

Committee members: (*non-voting members)

<i>Pete Aadland</i>	<i>Courtney Heineman*</i>	<i>Robert Morgan</i>
<i>Jill Agosti</i>	<i>Gary Hill</i>	<i>Eric Munoz (chair)</i>
<i>Chris Calkins*</i>	<i>Mark Johnson</i>	<i>Peder Norby</i>
<i>Nancy Calverley*</i>	<i>Pat Kurth</i>	<i>Laura Means Pope</i>
<i>Claudia Carrillo*</i>	<i>Keith Lewinger</i>	<i>Marvin Sippel*</i>
<i>Bill Dominguez</i>	<i>Cary Manning</i>	<i>Seth Schulberg</i>
<i>Farrar Douglas</i>	<i>Kip McBane (vice-chair)</i>	<i>Daniel Swiger</i>
<i>Bob Garcin</i>	<i>Gina McBride</i>	<i>Heidi Willes</i>

Absent:

Jennifer Benner
Marvin Cap
Vern Farrow
Len Martyns
Leslea Meyerhoff
Mark Winkler

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Karen Chen – Management Analyst.
Cynthia Haas – Economic and Real Estate Manager
Sandra Holder – Community Development Director
Michael Holzmiller – Former City Planning Director, Consultant to City
Bob Johnson – Deputy City Engineer, Transportation
Jane Mobaldi – Assistant City Attorney
Mark Steyaert – Park Development Manager

11 public and 3 press

Facilitators from National Conflict Resolution Center:

Robin Seigle
Barbara Filner
Christina Simokat, assistant

I. Welcome -- new members introduced (name, occupation, one sentence re: their interest in being on this committee.

Heidi Willes
Laura Pope
Marvin Sippel

Their interests in participating in this process:

- Loves Carlsbad and wants to be involved
- Loves Carlsbad
- Interested in this issue

Chair, Eric Munoz noted that the roles of the committee chair and vice chair are outlined in the handout provided today for the workbook. Nos. 4, 5 & 6, (Ensuring that every member of the committee has an opportunity to ask questions and express opinions without any one person dominating; keeping the meeting focused; and enforcing reasonable rules relating to debate, order and decorum within the Committee) will be handled by the facilitators.

Facilitator Robin Seigle reviewed the Meeting Ground Rules discussed at the first meeting. Everyone agreed to them.

II. Public Comments

➤ *none*

III. Background – Michael Holzmiller and Gary Barberio (Powerpoint presentation notes and a handout of exhibits prepared for this background presentation made available to meeting participants.)

○ **Site 1 – The Flower Fields, Barberio** (53.4 acres)

Question: Could you explain the difference between the different plans that affect this area?

Answer: There is a glossary of terms in the workbook.

General Plan: land use “bible” for the City of Carlsbad

Local Coastal Program: covers lands within the coastal zone, jurisdiction of California Coastal Commission, primarily concerned with continuation of agriculture, public access, protection of environmental resources

Specific Plan: a zoning document for specific development projects that fine tunes and implements the General Plan and Local Coastal Program

Q: Has the landowner of the Flower Fields asked for any changes to or modifications of the property’s current land use?

A: No. The City has the first right of refusal to purchase this property.

Q: Is the Flower Fields land for sale?

A: (Calkins) No.

Q: Where has there been development for which mitigation monies have been paid?

A: Looking at the development summary of the area surrounding the Flower Fields, the whole area is almost built out. Only a few areas left that have not been or are not in the process of being developed.

Q: "Where is development still possible?"

A: Development potential exists for #3 and #5

Q: Are landowners involved in the process when there are plan changes, that is, have they participated in the designations of their property?

A: Yes.

Q: Are all the current owners content with current zoning designations?

A: There are no current requests for changes to designations.

Q: What is the Williamson Act?

A: It's a law that allows a landowner to enroll property and receive a tax benefit for keeping the property in agriculture. The landowner can take the property out of the Act at any point and pay a penalty. The only land this could apply to is the Flower Fields, but this doesn't apply any longer. The Williamson Act is not relevant to the issues this Committee is considering as none of the lands are currently under Williamson Act contract.

o **Site 2 and 3 – Carlsbad Ranch Planning Area 8A (45.3 acres) and 8B (26.45 acres), Barberio**

Q: Golf is allowed on these sites. Can it be used for other sports, such as a ball field?

A: There are some permitted secondary uses, mostly agricultural and public recreation related, but then amendments to the Plan would be necessary.

Q: Could a golf "clubhouse" or "golf school" be built here also? It's not just for a golf course, is it?

A: It says "golf-related uses" and it allows as secondary use: agriculture, public parks, trails, public restrooms, public playground, public parking area (refer to workbook).

A: Zoning document 3 D will give all the uses for this area.

Q: Was it zoned for golf based on one group's intent to build a hotel? How did one property owner get their specific plan into the land use document?

A: The whole specific plan went through a public process based on the best information at the time. Since adoption the golf developer has backed out. Golf is considered a type of "open space" according to the General Plan and Zoning Ordinance. Open space can be active, such as for sports, or passive, such as preserved habitat.

Q: Does the City have first rights refusal on this property as well as the Flower Fields?

A: No, just the Flower Fields.

Q: Did The Pointe Resorts ever own these properties?

A: No, Carltas did. The specific plan was shaped during a recession. It is currently owned by Carlsbad Ranch.

Q: Is there a City of Carlsbad policy covering eminent domain?

A: No.

Q: Were the cart paths installed under Cannon Road based on the City's commitment to this golf project?

A: Yes. Two under Cannon Road and one under Legoland Drive.

Q: Was the golf course usage looked at when the development changed from its original plan?

A: The hotel/timeshare project was allowed to move forward without the golf course. At the time of the current hotel being approved, there was a change to the specific plan text but no change to 8A and 8B.

Q: Since we seem to have decided that a golf course wouldn't be the best use of that land, will a new specific plan open up that land to any development? Would there be any restrictions?

A: The City has not stated that a golf course is not the highest and best use for this land. It is doubtful that a golf course will be built there. If there are any land use changes they would require amendments to the plan to eliminate the specific requirements for golf and along with General Plan and Local Coastal Program changes. Agriculture is allowed in an Open Space designated area.

○ **Site 4 – SDG&E Property (256 acres), Holzmiller**

The City of Carlsbad included the 48 acre area which is not Open Space in its redevelopment area so that the new property taxes generated by development on previously vacant land would go back to the City rather than the state.

Hub Park area (91 acres) is leased out to the City of Carlsbad for future recreational/community park use.

There are some areas of overlap of development constraints.

Note that in some places there is reference to "45 acres" but that is not accurate. It is a 48 acre parcel which is zoned for "Travel Service" in the Local Coastal Program.

As part of the Agua Hedionda Segment Land Use Plan approval, an agreement with the property owner was negotiated to allow development on the 48 acres in exchange for open space designation for the rest of the land.

There are 2 phases to the Local Coastal Plan – the Land Use Plan and the Implementation Plan. The implementation phase of the Agua Hedionda Local Coastal Plan has not yet happened, which means that the City of Carlsbad doesn't yet have permit authority. The City of Carlsbad hasn't yet realigned its General Plan and Zoning with the agreed upon Local Coastal Plan Land Use Plan. Until that occurs, the Coastal Commission retains permit authority.

Exhibit 9 of the handout, limitations 2,3 a & b explain why the zoning has not changed yet.

SDG&E can apply to get out of agricultural use and its restrictions under the Agriculture Mitigation Fee program.

Q: How much of this site was the subject of the Lennar option (refer to workbook)?

A: The entire site including the 48 acres and Hub Park. All of sites 2, 3 and 4.

Q: What is the cost of the Hub Park lease?

A: One half of the property taxes paid by the property owner, not to exceed \$14,000 annually.

Q: Is that land now leased out to someone who's growing?

A: The lease was given to the City for Hub Park as part of the trade off for the Encina Power Plant under condition that tenant farmer could stay. SDG&E has been leasing the property to a farmer since the 1970's.

Q: Why does SDG&E want to develop it when SDG&E works in public utilities, not development?

A: SDG&E will not be developing the property but had entered into a sale option with a developer.

Q: SDG&E will have to pay agricultural mitigation fees?

A: SDG&E will have to pay an agricultural mitigation fee if the property is developed beyond the 48 acres, which can be developed.

Q: What was the background of some of the other big developments that included Open Space in Carlsbad over the last 20 to 30 years, such as Kelly Ranch?

A: The percentage of Open Space that the City required was designated as specific plans came in for review. The City's growth management plan requires 15% of each LFMP area to be more open space. All of the sites we are discussing are designated Open Space in the General Plan, Coastal Plan and Zoning.

Q: Clarification about the lease for Hub Park?

A: The City doesn't have to pay anything on the lease until plans for the park are completed and permits to build are secured. The lease began in 1975 and expires in 2074. Farming can continue on the property until the park is proposed for development. The City must give a 1 year notice to the grower.

Q: What is the status of the small, square parcel in the middle of the SDG&E property?

A: Historically there was a reservoir there, which belonged to the Ecke Family and is still owned by a family member.

Q: There are 256 acres. How many acres are left after you take away the 48 acres of allowed development, and 91 acres for Hub Park?

A: Probably about 110 acres, including the park and development land. Under Open Space requirements, agriculture, public recreation, park, trails, private recreational use such as ball fields are all possible. If there is an alternate use, Hub Park would be a part of it. If it went for residential use, less than 110 acres could be used because of the power lines, habitat protection and Hub Park.

Q: Will the City be discussing the density requirements for this area?

A: No. But there is an exhibit in the workbook outlining the current Proposition E residential caps for each quadrant.

Q: Please review the inconsistencies and unusual circumstances of these particular properties.

A: All the plans (General Plan, Local Coastal Plan, zoning ordinances, Specific and Master Plans) are supposed to be consistent. This is an interim situation because of the 2 phased Coastal plan. First, the Land Use Plan is adopted and then the Implementation Plan. When the City began to start the implementation, SDG&E asked to be excluded from the implementation phase as it intended to sell the power plant. The City agreed to the request so all the other Implementation Plans for all other LCP segments were completed, but not this one. It still needs to be done.

Q: What structures are allowed under an Open Space designation?

A: Open Space can be used for structures that relate to recreational use, such as a gymnasium, or public facilities like a sewer or water distribution station. But such public facilities require a conditional use permit and require a public hearing.

Q: Is a city hall or civic center an example of that?

A: Yes, with a conditional use permit.

Q: What would SDG&E like to do with the property?

A: (Carrillo) SDG&E would like to sell it and have the flexibility to work with various developers. We don't have any specific plans. We just want to work with the City and retain our rights.

Q: Does the Public Utilities Commission restrict how much land a utility can own?

A: (Carrillo) I don't know the answer to that.

○ **Changes to Open Space, Holzmiller**

About 40% of the City of Carlsbad is supposed to remain in Open Space. Changes can be made to the location of Open Space, so long as there is no "net loss." Changes must be for an equal or greater area, of equal or greater quality, contiguous or close proximity, AND if impact to sensitive resource area: 2:1 mitigation ratio. It is difficult to take land out of the Open Space designation.

○ **Existing City Policies Regarding Agriculture, Holzmiller** (see Exhibits 4(D) and (E) in Citizens Committee Workbook)

- To permit, promote and support agriculture in the City for as long as it remains economically viable.
- Allow the conversion of agriculture to another land use consistent with the General Plan when it is no longer economically feasible to continue farming a property
- For designated agricultural properties in the Coastal Zone, allow the conversion upon payment of a mitigation fee

The Flower Fields are a special situation and the City has taken further measures to retain that area.

○ **Agricultural Mitigation Fee, Holzmiller**

An example: when Legoland and the GIA were developed from agricultural land, the fees paid were used to help promote the Flower Fields.

Q: Does the City prohibit the conversion of agricultural land while agricultural is still feasible? Who decides if the property is "no longer economically feasible to continue farming"?

A: For areas in the coastal zone, there are 3 options: an agricultural property owner can choose to preserve land elsewhere in California, but that has never happened in the City. A property owner must prove infeasibility, and that has never happened in the City, and the City believes this would be difficult to prove. So the property owners that have converted have chosen to pay the agricultural mitigation fee, such as with Legoland.

Q: If they pay the fee, it doesn't change the zoning from open space, correct?

A: That's correct. The City of Carlsbad doesn't have a permanent agricultural land use zone, it is considered temporary. The City can't force a property owner to continue farming.

Q: How much of the \$6 million collected for agricultural mitigation fees has been spent, and what was the largest expenditure?

A: Previously, all mitigation money was going to the state, and the state spent some. Finally the City requested the City program money be returned about 5 years ago. None has been allocated yet. There is a technical advisory committee determining how the money should be spent. Promotion of agriculture isn't listed as a use in the State program. The State has used approximately 50% of the money it collected for environmental projects such as Batiquitos Lagoon and beach access stairways.

IV. Presentation by Eric Larson, Executive Director, San Diego County Farm Bureau

There is a long history of agriculture in Carlsbad. Originally there were a number of crops including potatoes, celery, avocados, roses, geraniums and also poultry. Much of the original agricultural land is no longer being used for agriculture.

All of the current coastal agriculture land farmers, except in Encinitas, do not own the land. They are tenant farmers.

The Flower Fields collect money from selling cut flowers, bulbs, and fees to visitors of the property.

The "Strawberry Fields" in Carlsbad have a longer and earlier season than other areas that grow strawberries and grow a larger premium berry.

Some issues that might affect the continuation of these agricultural businesses:

1. Immigration reform -- Without a guest worker program, we expect to lose 40% of agriculture here and that would probably be similar throughout the US.
2. Farmworker housing -- This issue is not solved. Housing costs are too high. Carlsbad has failed to provide adequate affordable housing.
3. Maintaining the niche markets for strawberries and flowers.
4. Methyl bromide is a chemical which is applied to the flower and strawberry fields once a year to kill insects, weeds, and otherwise prepare the land for planting. It depletes ozone and has been banned. The ranunculus probably could not be grown without it. They have to apply for a "critical need exception" every year in order to continue using it, and there is not a replacement on the horizon. The Strawberry Fields will attempt to grow using organic fertilizer if they are not allowed to use methyl bromide.
5. Family generational changes -- These are family farms and as the generations change it is uncertain if the farms will continue within the family.

Q: Does this mean that there is no longer "economic viability" to agriculture?

A: If it wasn't viable, it wouldn't be there.

If farmers own the land, it creates greater stability for the farms. Farms are difficult to sell and tend to be family owned businesses.

Q: Why is agriculture different in Encinitas, why does it work better there?

A: Encinitas has farmer owned greenhouses, rather than field agriculture, which has suffered from competition with Mexico.

Q: So the agriculture here in Carlsbad is very specialized?

A: Yes.

Q: Could the property owners give us a ballpark idea of the rent charged to the farmers?

A: *(no answer)*

Wrap up

- The Chair requested more information from staff on certain topics: open space uses, and the coastal agricultural overlay zone.
- The newspapers had previously claimed some committee members were not voting residents of Carlsbad. The members explained that they were indeed voting residents of Carlsbad.
- Resume from attorney, James Lough, was distributed. He was hired as outside counsel to the City. He will be available to discuss the legal impacts of the initiatives at a future meeting.
- Request to increase the amount of time for presenters to 1 hour plus questions. Chair agreed to discuss this with staff. It was discussed briefly by the committee and the general sentiment seemed to be against increasing the time allotted.
- Request for notification for future agendas for presentations.
- Q: Who was invited to make the presentation for each of the initiatives at the next meeting?
A: Ron Alvarez, Nancy Calverley, and Mayor Lewis.
- Q: Will the issue of the impact of the freeway widening ever be discussed?
A: (Bob Johnson) We could present on that topic.
The presentation was requested by the Chair.

Next Meeting: Tuesday, June 6th 9 a.m.

Notes prepared by NCRC staff

**City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Notes of Meeting #3
June 6, 2006, 9 a.m. to 12 p.m., City of Carlsbad, 1635 Faraday, Room 173B**

Present:

Committee members: (*non-voting members)

<i>Pete Aadland</i>	<i>Gary Hill</i>	<i>Seth Schulberg</i>
<i>Jill Agosti</i>	<i>Mark Johnson</i>	<i>Marvin Sippel*</i>
<i>Jennifer Benner</i>	<i>Pat Kurth</i>	<i>Heidi Willes</i>
<i>Chris Calkins*</i>	<i>Keith Lewinger</i>	<i>Mark Winkler</i>
<i>Nancy Calverley*</i>	<i>Len Martyns</i>	
<i>Marvin Cap</i>	<i>Kip McBane</i>	
<i>Claudia Carrillo*</i>	<i>Gina McBride</i>	
<i>Bill Dominguez</i>	<i>Leslea Meyerhoff</i>	
<i>Farrah Douglas</i>	<i>Robert Morgan</i>	
<i>Vern Farrow</i>	<i>Eric Munoz (chair)</i>	
<i>Bob Garcin</i>		

Absent:

Courtney Heineman
Cary Manning
Peder Norby
Laura Means Pope
Daniel Swiger

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Karen Chen – Management Analyst.
Cynthia Haas – Economic and Real Estate Manager
Sandra Holder – Community Development Director
Michael Holzmiller – Former City Planning Director, Consultant to City
Bob Johnson – Deputy City Engineer, Transportation
Jane Mobaldi – Assistant City Attorney
Mark Steyaert – Park Development Manager
Courtney Enriquez – Intern

9 public and 3 press

Facilitators from National Conflict Resolution Center:

Barbara Filner
Christina Simokat
Lisa Cole, assistant

I. Roll call

Previous meeting notes approved.

II. Consideration of Subcommittee Formation to create draft initiative comparison Matrix

Draft Matrix distributed to all in attendance. To be used as a neutral tool and any committee member can request revisions from subcommittee members.

Subcommittee members selected:

Farrah Douglas

Gary Hill

Leslea Meyerhoff

Seth Schulberg

Committee members to stay briefly after the meeting to determine schedule.

Public comment allowed at this time?

No comments yet: will be held at the end of the meeting, as scheduled.

All presentations held to 30 minutes

All questions please hold to end of all presentations.

Handout of timeline from staff: part of packet.

III. Presentation "Carlsbad Gateway Parkland and Open Space Initiative of 2006"

(PowerPoint presentation notes and a handout of exhibits prepared for this background presentation made available to meeting participants.)

Presented by Ramona Finnilla, Carlsbad Citizens for Usable Public Places

Previous CCPS process series drafted the idea of a civic village. In November 2005, the idea was revealed to the community through local presentations.

CCUPP group wants to take the same approach to the 320 acre "gateway" area. This initiative requires one comprehensive plan for all areas, rather than different plans for each area. The main goal of the plan is increase public access to open space. Supporting human scale development. Proposing a trail around the lagoon.

Master planning is how Carlsbad was started, and this proposal allows the continuation of this idea. Aviara is an example.

Recreation Opportunities

- Initiative would provide for a “central park” where citizens can all gather and meet. Millennium Park in Chicago is a good example of this idea.
- Trails are the number one priority of citizens, and this initiative would address the connectivity of these trails.

Commercial Opportunities

- Cultural events
- Museums, etc.
- Amphitheatre

Housing Opportunities

- This initiative provides for “smart growth” housing while both of the other initiatives do not.
- Does not include single family, large housing units, but rather smaller, mixed use housing.
 - Need buy in from City and State

Agricultural Opportunities

- Agriculture is moving out of Carlsbad
- Supports idea of “Urban Agriculture” which includes the use of hydroponic growing.

The Cannon/Gateway area is on the City Council’s priority list for 2006.

IV. Presentation “Save the Strawberry and Flower Growing Fields Act of 2006”

Presented by Ron Alvarez & Michael Bovenzi.

History:

- Citizens signed in support of this initiative.
- City of Carlsbad was having “private” meetings with Lennar regarding developing the areas in question.
- Concerned that city of Carlsbad doesn’t know how many housing units it currently has and if it is reaching “build out” in the NW Quadrant.
- Proposition E places a dwelling unit cap in Carlsbad
 - Requires City Manager to submit an annual report that tracks “build out”
 - These reports had not been completed and were not available for review, therefore it is difficult to accurately track development in Carlsbad
 - City should have outside analysis done to determine the current level of residential development, how close to build out?
- 900 to 1,000 housing units are proposed for this area
 - density bonus to developers for putting in affordable housing
 - Village Redevelopment Area
 - Plaza Camino Real
 - adds 2,000 new homes for development
- state law has requirements for new development

- 2005 Public Opinion report states that 90% of citizens are tired of traffic and development
- meetings with the Coastal Commission revealed that the Commission does not want to develop anything in the lagoon area.
- Growth Management plan states that 40% of city must be maintained as open space. This land was originally an agricultural preserve, but it is currently disappearing.
- The existing parks are being under utilized, so why add new parks?
- Cities with pure open space have higher resale values as it provides a rural feeling.
- City was in discussion with developers who were buying Lots 3 and 5, so 3,000 signatures were gathered to present to the city of the community's discontent with the discussion.

Current Initiative:

- Based on input from the community.
- Create new zoning designation: Coastal Agricultural
- Specifies what is already in the Carlsbad Ranch Specific Plan.
- 1985 Citizen's study showed:
 - the community feels that the city should take a more active role in preserving agricultural use
- Carlsbad Ranch Agricultural Study shows:
 - Many crops can be grown in San Diego, and there are opportunities for organic farming without Methyl bromide

V. Presentation "The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006"

(PowerPoint presentation notes and a handout of exhibits prepared for this background presentation made available to meeting participants.)

Presented by Mayor Bud Lewis

Initiative is made to be similar to the "Save the Strawberry and Flower Growing Fields Act of 2006".

Designates the area as open space.

Calls for farming, trails, passive park, public recreation areas, and potentially a civic center, if the public votes for it.

Prohibits residential.

Distributed article by Logan Jenkins of the San Diego Union Tribune

States Mr. Alvarez's position (Save the Strawberry and Flower Fields Act of 2006") as paraphrased by reporter.

VI. Questions from Committee

Public Question submitted:

Q: In the city's initiative, what is included in the civic center? Commercial? Restaurants?

A: If we put it before the public, there will be total public input. There is no plan of what the civic center would contain at this time. This would be subject to future planning and development.

Committee Members Questions:

First Initiative: Gateway

Questions addressed to Ramona Finnila

Q: Could you expand on the process of public input in the Civic Center development?

A: Ideas developed in the CCPS meetings would be turned into a conceptual plan which would then be taken to the appropriate departments for review. Public input occurred in the CCPS meetings. A "park & ride" type of public transportation could help traffic.

Q: How do you anticipate dealing with traffic caused by this initiative?

A: Public transportation is in the works to provide better access to coordinate transportation services so that it accommodates the most amount of people.

Q: How will resident concerns about types of housing, commercial use, etc. be addressed by this initiative?

A: Different types of issues can be addressed through discussion with staff during the master planning process. This initiative doesn't limit the type of use/development.

Q: So this is the same as the city of Carlsbad's process and the only difference is the creation of a comprehensive plan, so no part can be planned separately from the whole?

A: That is correct.

Q: What about the "center mass servicing" concept and the purchase of the insurance building? What is your concept of size of a civic center?

A: Space needs of the city employees would be considered, and which departments would be best where. The civic center would not be a monolith, but would be similar to the Scottsdale, Arizona civic center. The center could be open and allow joint use with the public and other organizations.

Q: 60% of land is going to be open space: Does that include the lagoon? Can you provide any information on the Montreal Act? Are you going to address the taking of private properties?

A: The Montreal Act, stated that the methyl bromide use must be stopped in 2005, more information is available online through Google.

Regarding 60% open space, 60% of the planning area (320 acres) would remain open space, not including the lagoon itself.

Regarding taking private property: the two land owners who own the 320 acres have not been consulted on the use of their land at this time. The land owners would have to be agreeable for the city to buy the land from the owners. If it is in the greater public good, the city would be able to utilize eminent domain, which has been used only once in the past.

Q: The heart of this initiative seems to be the comprehensiveness? Why do you make the statement that this cannot be done on a parcel by parcel basis.

A: The different properties are not owned by the same individuals. All the owners would need to sit down together and discuss the master plan.

Q: Housing seems to be the controversial issue of the time, can you describe the concept of housing that your group is thinking of?

A: Yes, we are thinking of mixed use housing. For example, you could have lofts above commercial areas. It was never in the plan to have large, single family homes in the area. Although it is hard to think about housing in this area, you all have your homes, and it is very admirable to think of our kids, and their needs.

Q: The civic center will be the center of government or for the people?

A: The trend that one sees in cities that have the capacities to have civic villages, is to have both civic and public areas. For example, CSU San Marcos has rented space from the City of San Marcos. It would be a place for children and seniors as well. It would also provide meeting places for the public as well.

Q: Aviara didn't need an initiative, so why does this?

A: With the introduction of the Save the Flower Fields Initiative came the necessity of this initiative.

Q: If that is your position, why didn't you just oppose the Save the Flower Fields Initiative?

A: The reason we did that, is that we saw the response that the Save the Flower Fields initiative was getting. Because many of the ideas in the Save the Flower Fields Initiatives are based on erroneous information, we decided to do it as an initiative as it takes an educational process to turn around citizens.

Q: Who acquires the land for trails, and constructs, and maintains them?

A: If the city were working with the land owners, the city would have carte blanche to do what they want with the trails. Maintained by the city or by Gary Hill's volunteer group.

Q: If you take open space, you have to replace it somewhere else. Where would you put the replacement for the 40% of development area? Also, is the city in a position to be able to purchase the land?

A: There are different uses for open space (Golf course, habitat management, parks, etc.). In our plan, we would use 40% of the land in development.

Regarding payment, if you have a developer working with you, then the developer would pay the cost. In the past, the city has paid a portion of the cost. This is all negotiated. In addition, state funding could possibly be used.

Q: Carlsbad has operated as a government where the doors are open. Between CCPS and this committee, what happened to the open doors?

A: When you take any type of a planning process, the city sends its best staff, (our experts) to meet the developers. That is the process in any city. We have an open process here, and it is one of the very best processes. This process has always been open, which is clear to anyone who understands planning.

Second Initiative: Save the Fields

Questions addressed to Ron Alvarez & Michael Bovenzi.

Q: (addressed to city staff) Additional housing units going on these properties had an effect on the future property development. Can city planning clarify that fact?

A: Michael Holzmiller: All of the residential properties in any of the quadrants have a certain allocation of the number of units for each property. If there are excess units, the use of these excess units would not affect the development of any existing properties.

Q: Why should public uses be banned on these properties?

A: We are just re looking at one of the uses that is already on the books, which is farming. We are not taking any rights away from anyone, but simply narrowing the scope of what is already on the books.

Q: (addressed to city staff) (1) Do the unit allocations for each quadrant include time share and hotel development; and (2) Once housing allocations caps are reached, does that mean that additional properties could not be developed on the same land?

A: (Sandra Holder) (1) Time share and hotel units are not included in the allocations. There could not be an instance where a quadrant cap could be exceeded. However, excess dwelling units can be transferred to other properties within the city.

(2) Chair requested that City Staff will prepare a written response to these questions.

Q: What is your relationship with Mr. Goldstein, and can you provide us a list of your members?

A: I can provide that list: Ron Alvarez (Treasurer) & Mr. Dustin Johnson (Asst. Treasurer) in addition to community members and new members.

I met Mr. Goldstein through his nanny. Mr. Goldstein has been a friend of mine for many years. I have helped him with his gardening. All that time I have known them and their family through ministering to his family. He has asked me to do design work, however I have stated to him that I cannot do commercial design as I am not licensed to do that. I have never been hired by Mr Goldstein for other services and he is not behind this initiative. The newspaper articles provided are not true.

Q: The reason I ask is that it seemed like you didn't even know his name. You were not aware that he was going to put a vineyard on this property.

A: I slipped when I said his name with the vineyard comment earlier.

Q: Should your petition pass, could the land still be withdrawn from agriculture through the agricultural mitigation fees process? Will that still be in effect so that the land can still be changed?

A: The land can be changed by another initiative.

Q: (1) You said that members of the city met with Lennar on 11 occasions, however I was at those meetings, and I don't remember seeing any of the city council members at the meetings.
(2) Your process seems to go beyond city planning . . .

A: As I stated before, of course we have strawberries and flowers growing on the land, but other things can be grown there. That would be up to those who own the land, and there would have to be some sort of agreement with those who would like to own the land. We are talking about continuing farming there, but that there are other opportunities for farming on those lands.

Q: What does it mean to keep the land in farming area? Does that mean that the city should fund agriculture or provide labor?

A: That part of the initiative came out of the 1985 study by the city which wanted to encourage agriculture. Whatever means they see fit to is part of the initiative.

Q: Taking something that was once a suggestion to become a law or an ordinance has certain ramifications. Has that been addressed?

A: All I want to do is bring us back to what Carlsbad stood for and was marketed as, and that is these lands stay as agriculture.

Further supplemental information to be provided by Mr. Alvarez.

Third Initiative: Fields Protection Act

Questions addressed to Mayor Bud Lewis and Councilmember Matt Hall

Q: What do Ron Alvarez & Michael Bovenzi think of initiative three?

A: (Ron Alvarez) The third initiative involves open space, but open space involves development of some kind. This involves the build out issue as stated before.

This initiative has gained support because it mirrors our initiative, but it involves the civic center project.

Q: The city is in the process of building a golf course, and the Carlsbad Ranch Specific Plan called for adding 9 extra holes onto the course (27 total) to provide greater public viability. There has been extensive planning on this course. Why have you decided that this should be eliminated at this time?

A: Mayor: The golf course was planned in 1988. The cost factor is a driving force (it went from \$7 million to \$57 million). Public support has changed. With all of these things considered, the city council decided to go a different direction.

Regarding secret meetings, I had one private meeting with Mr. Goldstein, Mr. Alvarez and their attorneys. This is standard practice. The "secret meetings" with Lennar are something that has been fabricated. I had two meetings with the Lennar people and told them that there should be no residential development.

A: Council Member Hall: What does "secret meeting" mean? I had met with the Lennar people to find out what their intentions are for this land. I also met with Mr. Alvarez and his attorney on his intentions as well. Because of the actions that we were having, no report (build out) was prepared. It has never been our attempt to try and side step, or do anything not in the interest of the Citizen's of Carlsbad.

We have today perhaps an initiative that the public would support. Mr. Goldstein and Mr. Alvarez did not want to collaborate on this issue, which unfortunately creates controversy, and not a focus on the goal.

Q: Why, over 33 years, was nothing ever done with Hub Park?

A: That is included within the parks program. Veterans Park (as it is now called) will be addressed by a future council. Right now there is a money problem.

Q: Are we going to have a fiscal impact report on your initiative as well as the other two?

A: (Chair) Yes, staff will prepare that and it will be distributed.

Comment by Council Member Hall: Regarding excess dwelling units, these do not infringe on your rights to possess, develop and build on your own land, consistent with the General Plan.

Michael Bovenzi: In response to Jennifer Benner's question: The Lennar developers are proposing to double the capacity. Many of the developers in the Village area will not be able to develop their properties as the excess dwelling units will be gone.

Q: (Addressed to Claudia Carillo): The leases for the strawberry fields: Are they short or long term?

A: I believe they are fairly short term, but I can get back to you on that.

VII. Public Comment

John Strayer:

I am one of the founders of the of the CCUPP's Committee. Not one of us believes in ballot box planning. I believe that the planning in Carlsbad is excellent. I would like to commend the city. I have been involved in athletics planning. We meet every week to socialize. When this land in the planning area is closed, people will not be able to meet other people. As to restrictions of property development in our initiative, it provides options. It keeps all options open. We need a parade for Carlsbad.

Additional Business:

Committee requested a presentation on the report that was prepared for City Council on the Gateway area?

Comment: It is frustrating that there is not enough time in this meeting to get all the committee questions answered. Can we have an additional meeting with Ron Alvarez and Michael Bovenzi?

Move to invite all three initiative groups to come back for maximum of 15 minutes of Q&A.
Move seconded.

Next Meeting: Thursday, June 15, 2006 at 9:00 A.M.

**City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Summary Notes of Meeting #4
June 15, 2006, 9 a.m. to 12 p.m.,
City of Carlsbad, 1635 Faraday Avenue, Room 173B**

Present:

Committee members: (*non-voting members)

<i>Pete Aadland</i>	<i>Bob Garcin</i>	<i>Leslea Meyerhoff</i>
<i>Jill Agosti</i>	<i>Courtney Heineman*</i>	<i>Robert Morgan</i>
<i>Jennifer Benner</i>	<i>Gary Hill</i>	<i>Eric Munoz (chair)</i>
<i>Chris Calkins*</i>	<i>Mark Johnson</i>	<i>Peder Norby</i>
<i>Nancy Calverley*</i>	<i>Pat Kurth</i>	<i>Laura Means Pope</i>
<i>Marvin Cap</i>	<i>Keith Lewinger</i>	<i>Marvin Sippel*</i>
<i>Claudia Carrillo*</i>	<i>Cary Manning</i>	<i>Seth Schulberg</i>
<i>Bill Dominguez</i>	<i>Len Martyns</i>	<i>Mark Winkler</i>
<i>Farrah Douglas</i>	<i>Kip McBane (vice-chair)</i>	<i>Heidi Willes</i>
<i>Vern Farrow</i>	<i>Gina McBride</i>	

Absent:

Daniel Swiger

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Paul Edmonson – Assistant City Attorney
Cynthia Haas – Economic and Real Estate Manager
Sandra Holder – Community Development Director
Bob Johnson – Deputy City Engineer, Transportation
Barbara Nedros - Administrative Secretary
Mark Steyaert – Park Development Manager
Courtney Enriquez – Management Intern

Michael Holzmiller – Consultant to City

Special Counsel:

Jim Lough of McDougal, Love, Eckis, Smith, Boehmer & Foley, a law firm that represents many cities.

Facilitators from National Conflict Resolution Center:

Barbara Filner
Robin Seigle
Christina Simokat, assistant

8 public and 2 press

I. Roll Call

Summary Notes approved

Amendment to Agenda was to allow more time for questions of each initiative sponsor.
(20 minutes).

II. Public Comment

None

III. Additional Initiative Question and Answer Sessions

Chair Munoz requested that today's focus would be on questions, rather than statements from the Committee. Responses to the Committee's previously submitted questions will be addressed first, and, if time allows, any follow-up questions.

Chair suggested that the initiative representatives respond to the questions only, not statements from the questions previously submitted.

Chair read a letter from Ron Alvarez, delivered by Michael Bovenzi. Mr. Alvarez stated that there was not enough time in the agenda to respond adequately. Chair will ask him to respond in writing by noon on Monday, June 19. Mr. Bovenzi said he had not been given enough time to adequately prepare and he will submit his responses in writing by the same deadline. He wants to respond to the questions that were directed at him specifically.

20 minutes was allowed for responses to questions from each initiative.

Questions have been regrouped into topics by the facilitators to help organize the meeting in a more time efficient manner.

Legal questions submitted by the Committee and San Diego Gas & Electric Company (SDG&E) will be answered by Mr. Lough later in the agenda.

Chair emphasized that issues should be discussed in a respectful manner.

a. C.C.U.P.P. represented by Ramona Finnila (using Initiative questions in the original order)

1. The yellow area is the planning area. The 48.26 acre area is designated for tourism. Cramming the area against the freeway might not be the best alignment. We suggest that maybe it could be slightly reoriented so there could be a little flexibility depending on the use.
2. The residential area was supposed to be north of Cannon.
3. The previous process involved 600 people but was interrupted by the Save the Fields initiative.
4. We were not thinking of single family homes but smaller mixed use housing. But we have no plan yet.

5. There are many cities that have 9 to 5 civic centers surrounded by residential areas.
Examples, Frank Lloyd Wright Civic Center in Marin County has a lot of infill development; Scottsdale....
6. A master plan would take years and there would be time for the agriculture leases to expire.
We support urban agriculture, example, Santa Barbara.
- (1.) Businesses are very concerned about who will be around their businesses day and night.
We think the businesses would be enhanced.
- (3.) An agriculture feasibility study is possible, but who pays for it?
- (4.) If either Initiative A or C wins, that will have to be addressed.
- (5.) I don't know.

Additional:

Q: The other tourist businesses along the freeway (hotels and other) make it okay. Why wouldn't the proposed tourist commercial area work in its present configuration?

A: It could, but we thought there should be some flexibility.

Q: Is the proposal to reorient to escape the power line easement?

A: It could do that.

Q: Who will take care of the farm workers?

A: It is usually government who takes care of housing for the poor. We also have to take care of the poor workers in the hotel and restaurant industries. Some of the growers have provided housing, which is not so in the other industries. The City of Carlsbad, against objections in 1992, has an affordable housing inclusionary policy. The farm workers don't always live in Carlsbad year round and may have transportation and go wherever they want to go.

c. City, represented by Mayor Bud Lewis and Councilman Matt Hall (using Initiative questions in the original order)

Mayor Lewis emphasized that the reason he proposed this initiative was because people who were signing the "Save the Fields" initiative did not understand what it would do. People are "ticked off" about growth and traffic. They don't understand how to protect open space. We want to protect the city the best way we can and would have liked to use the "normal" process in which a proposal is made to the City, wherein citizens can make comments, then it goes through the Planning Commission to the City Council for review. It also goes out for an environmental impact review.

We want to protect the city and make it easier for the public to know what is being voted on. We are also concerned about not “taking” from private landowners, and being fair. The alternate uses for the open space area are listed in our initiative.

Historically, we wanted to have all open space, but the City Attorney advised that it would be costly to the City because there would be too much “taking” from private landowners.

A civic center must be voted on if it is in the open space area.

If you go with the agricultural zoning you are not sure what you are getting. People don’t want more residential development

We assumed Carlitas was going to sell the golf course parcels to Lennar.

Hall

1. Land use does not work well by the ballot box. Once the initiative is adopted, it can’t be changed. He suggested that an advisory vote from a committee works better.
2. 5 or 6
3. The City prides itself on giving information to the community. People are looking for certain details, but they express their requests broadly. It may take thousands of hours of city staff time, so we asked them for detailed descriptions of what they wanted.
4. It was understood that Carlitas was selling the land. The citizens are more interested in passive Open Space.
5. City measure allows a number of open space usages and allows modification if there is a taking of property rights.
6. City doesn’t require agriculture, it only promotes it. No subsidies for agriculture included.
7. (Lewis) It is \$1.29 for recycled water for you isn’t it? (Calkins) Really the city’s policies are set for urban use of water, not to promote agriculture. The city’s initiative doesn’t address this.
8. The city’s measure allows a vote for a Civic Center or not.
9. No. It allows for farming and other uses.
10. It will explore grant programs. It doesn’t include more financial support from the city.
11. All the other sites are designated open space and the last thing the people want is more housing. It only allows a vote on a Civic Center. It could be a chance to create a great community gathering space.

Chair asked if the committee wanted to extend the city's time by 5 minutes. The vote was yes.

13. and 14. People do not want this development on the lagoon.

Additional Questions for C.C.U.P.P.

Q. Will your initiative keep this area in agriculture?

A: As long as the current leases are maintained with SDG&E and as long as it's economically viable. SDG&E decides what happens when the lease is up.

Q: Who determines if it is viable?

A: That depends on which initiative wins.

Q: Is a community garden a possibility?

A: Carlsbad currently has one. It's a good concept, but it isn't economically feasible for that section of the city, we haven't ruled it out. We know people want more of it.

Q: Is your group still collecting signatures? Will you get it on the ballot?

A: We still have time. We did not use paid signature gatherers. It's a slow process.

Chair proposes an agenda change to expand the legal presentation to 30 minutes. Also there is one member of public who requests a comment period. The matrix subcommittee will have a slightly shortened period. No objections voiced.

IV. James Lough, special counsel

His roles are to:

- 1) advise the Carlsbad City Council, and
- 2) advise this Committee.

Takings Law: overview

There are 2 types:

- 1) Physical invasions where a city takes over and doesn't allow development. Not the situation here.
- 2) Regulatory taking
 - Facial attack: violating a constitutional amendment. None of these initiatives fall here.
 - As applied: is relevant here. SDG&E sees this as an "as applied" taking.
 - 3 part test:
 - economic impact
 - owners' reasonable investment-backed expectations of value (might be raised here)
 - character of the governmental action – raises issues of motives

In the Supreme Court, regulatory takings are determined on a case-by-case basis. The results of litigation to challenge a city's taking of property run the gamut. I haven't seen appraisals yet so I can't say, but typically this is a fight by the experts.

The League of California Cities has a "takings project". Their view is if more than 60% of the value is taken, it needs to be looked at carefully.

Land Use Issues

- All 3 initiatives propose General Plan amendments. You must have vertical and internal consistencies. There are not a lot of serious problems with any of these initiatives. Zoning becomes the issue.
- Public initiatives are the drafting of legislation. They must be the same as if the City Council passed it, except that they are not subject to CEQA and public hearings, but they will be inspected closely. But everything requires Coastal Commission approval and they will not look at anything ahead of being filed. They may have a hard time with taking out the visitor service, or they may not.
- You can't supersede the Public Utilities Commission either.
- Another thought is pesticide use on or near public trails. Regulations will only get stricter.
- An initiative cannot direct future legislative acts of the City Council in a way that will tie their hands. 3.12 of the Save the Fields might be a problem but I can't give a definitive answer.

Referring to the Legal Questions handout:

Save the Fields

1. The question is will these initiatives result in a diminution in land value and no reasonable economic use. But you can't tell that right now. If agriculture becomes untenable in the future, then it may be a "taking." Gateway does not require housing but it allows it. It is a "policy," not a project.
2. I don't think the council would be required to do anything. It is allowed to, but not required.
3. "Practicable" generally means reasonableness. It is generally defined and reviewed on a case-by-case basis.
4. Yes, it's legally significant. The Coastal Commission will have decision-making power.
5. It's a common standard; maybe 25% of the evidence.
6. Same.

7. No. Developers can vest their rights by filing an application. The City can enter into an agreement to freeze development. Two of the initiatives have “out” clauses. The general standard: if there is a building permit or if they have expended substantial money to implement it, then there can be a “vested right” issue. There is certainty in the process once a complete application is on file.

General

1. The law moves in this area, but it will be moving toward the property owner. Again the standard is “investment backed expectations.” The court will look at the circumstances and what would a “reasonable person” expect. Law in this area changes.
2. The City has to pay and it will affect taxpayers
3. If all three pass, the one with the highest number of votes will win.
4. I can’t guess until we know the value of expenditures. For vested property rights, you need to establish the “diminution of value.”
8. That was a rather unique case.
11. The initiatives only affect the properties in question. They do not set precedent.
12. I don’t think you can make the regulation retroactive. That usually doesn’t happen. But I don’t think that affects the whole initiative.
14. Don’t know.
15. Cities can refuse to put something on the ballot. They can refuse to accept the results. But they are difficult challenges. Property owners probably can’t keep these off the ballot. They usually challenge afterwards: on procedural grounds or “as applied”. The actual legal process would be about 2 ½ years.

His perspective: Citizen's groups allow a council to "punt" a difficult, long-term issue, but the downside is there are usually defects in the drafting. City Councils are not equipped to make decisions about "takings" cases, which affect the "Save the Fields" and the City's initiatives. Requires expert opinions. Having a mini trial might be a way around that.

Q: Who is liable in a "takings" case? The taxpayer?

A: Yes. Though most "takings" cases result in a defense verdict.

Chair asked for Mr Lough's responses in writing by Tuesday, June 20, if possible, and please include a list of all agencies that have pre-emptive jurisdiction.

A: Yes, for example, RWQCB, PUC, CCC, Dept. of Toxic Control. I will include that.

Q: Are the courts more liberal in the interpretation of public initiatives?

A: A little.

Q: There was reference to a "fatal flaw"?

A: There may be a problem if the petition wasn't circulated in Spanish and English. The law may change that way soon, or it may not. But there's nothing we can do about that right now.

V. Public Comment

Dan Conway: A procedural suggestion for the committee. Public comment was on the agenda at the beginning of the meeting. This is not a very user-friendly public comment period. It would be more useful if the public can make a comment at the end of each section, after we've heard the information presented, before you move on to another subject.

Chair notes the future agenda may not accommodate that but we will accept written comments.

VI. Matrix presentation, presented by Seth Schulberg

The Subcommittee agreed fairly easily on everything and represented the opinions of a biologist, a planner, a property owner and a concerned citizen.

The end is technical analysis. The issues analysis can be added to. They tried to reduce the wording so the voter can understand more easily.

Refer to the matrix handout. Refer to handout on excess dwelling units.

Q: In the Gateway initiative, for excess dwelling units, can we change from yes to maybe?

A: That's a good point.

Q: What is allowed under agriculture for the “Save the Fields” initiative? Will there not be trails? I don’t see anything that precludes it.

A: The subcommittee didn’t see anything in the “Save the Fields” initiative that would allow general public access. Since we didn’t see anything that allows it specifically, we assumed it wasn’t there.

Holzmiller adds that the property owner does not have to allow access, unless there is an easement. The property owner can put up a fence and not allow it at any time, or they could allow an easement.

Q: So the City could negotiate those easements later?

A: (Holzmiller) Yes, but if it isn’t included in the initiative it could be difficult. It’s not guaranteed.

A: We can’t examine the motivations of the initiative creators.

Q: Since the public wants to know about housing and development, can we put in a column about what is allowed in each initiative?

Chair asked the Committee to restrict questions to developing this as a tool.

Q: I’d like to see HMP added.

Q: We owe it to the public to let them know that the Flower (ranunculus) Fields were never in danger. I’d like to see the name of that row changed and moved to the top to reflect that.

Q: We need a row for recreation vs trails.

Q: We need it spelled out how much open space, how many acres, in each initiative.
(Holzmiller) This is in the technical section.

Q: We may want to change the sequence of the items.

Q: Commercial use in each isn’t addressed. It should be made obvious.

Q: We need a column for a “no initiative” option. There are 4 choices not 3.

Q: “Public benefits” is a problem because one person’s benefits are not the same to all. We need something that says “Uses”.

Q: The matrix should be unbiased.

Q: How will this information be disseminated to the public?

Written comments will be coming to the committee from the "Save the Fields" group and from Mr. Lough and we should read the open space section of the notebook, and the information on the I-5 widening.

Q: Are we going to hear from Mr. Alvarez and Mr. Bovenzi in person?

A: (Chair) Everyone was given an equal opportunity and they responded in the way they did.

Q: Can we receive written responses from all the initiatives?

Q: We've never heard from the actual farmers.

A: (Chair) We can hear from Mr. Larson if we need to. He said he would be available.

Q: Can we get examples from other places in the state about what the allowable uses might be in an Agricultural Zone?

A: Ventura, Santa Barbara and Marin Counties will be your best bets.

Q: Can we get Mr. Lough to respond in writing to the questions from SDG&E?

Q: Can we get an assessment of the impact of changes to the Palomar Airport?

**City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Summary Notes of Meeting #5
June 20, 2006, 9 a.m. to 12 p.m.,
City of Carlsbad, 1635 Faraday Avenue, Room 173B**

Present:

Committee members: (*non-voting members)

<i>Jill Agosti</i>	<i>Bob Garcin</i>	<i>Gina McBride</i>
<i>Jennifer Benner</i>	<i>Courtney Heineman*</i>	<i>Leslea Meyerhoff</i>
<i>Chris Calkins*</i>	<i>Gary Hill</i>	<i>Eric Munoz (chair)</i>
<i>Nancy Calverley*</i>	<i>Mark Johnson</i>	<i>Peder Norby</i>
<i>Marvin Cap</i>	<i>Pat Kurth</i>	<i>Laura Means Pope</i>
<i>Claudia Carrillo*</i>	<i>Keith Lewinger</i>	<i>Marvin Sippel*</i>
<i>Bill Dominguez</i>	<i>Len Martyns</i>	<i>Seth Schulberg</i>
<i>Farrah Douglas</i>	<i>Cary Manning</i>	<i>Heidi Willes</i>
<i>Vern Farrow</i>	<i>Kip McBane (vice-chair)</i>	<i>Mark Winkler</i>

Absent:

Pete Aadland
Robert Morgan
Daniel Swiger

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Karen Chen – Management Analyst
Courtney Enriquez -- Management Intern
Cynthia Haas – Economic and Real Estate Manager
Sandra Holder – Community Development Director
Bob Johnson – Deputy City Engineer, Transportation
Jane Mobaldi– Assistant City Attorney
Mark Steyaert – Park Development Manager
Barbara Nedros – Administrative Secretary

Michael Holzmiller - Consultant to City

Jim Simon, RSG

10 public and 2 press

I. Roll Call and Notes.

The June 15th Summary Meeting Notes will be provided within this week, and will be subject to approval at the next meeting

All written comments that have been submitted will be distributed. The deadline for written comments was Monday, June 19th at noon.

Nancy Calverley notes that though Lennar has dropped out, that her group (Carlsbad Citizens for Usable Public Places) C.C. U. P.P. has not.

II. Public Comment

None

III. Fiscal Impact, presented by Jim Simon, RSG

Please refer to PowerPoint handout. A complete report will be submitted to the City Council in July. This is a preliminary report, addressing primarily the economic impact of turning the Tourist/Recreation (TR) parcel into open space.

Loss of the TR site would have a significant economic impact to the city.

The City's proposal and the "Save the Fields" initiatives withdraw development rights.

There would be opportunity costs to city:

- \$3 million in lost operating revenue annually
- \$6.6 million in lost one-time development/facility fees
- \$9.7 million in one-time acquisition costs
- Possible additional implementation costs

There are existing development restrictions due to:

- SDG&E transmission lines
- Coastal Commission Conservation Area
- Habitat Management Plan

Of the TR parcel (50 acres), approximately 30% (15 acres) has restrictions for development.

Two alternatives examined for TR parcel at maximum build out currently permitted:

- Regional serving center, \$88 million for development
- Destination center, \$91 million for development, including a 120 room 3-star hotel, on this site
- Average taxable sales for retail on site estimated at \$425/sf

They estimate approximately 600 jobs potentially created in the development of the TR parcel.

(Lough) The cost of acquisition of the open space area presents a difficulty in estimating the price of the land.

Q: What is the impact of having the executive golf course (9 holes)? Is the loss of the golf course an economic impact on the city? Both the city's initiative and the "Save the Fields" delete that use.

A: We can take a look at that.

Q: (Lough) That can be a viable use for open space.

Q: What is the impact of agriculture on the surrounding area? The current use of chicken manure on the Flower Fields impacts the surrounding businesses.

A: I do not know if we are in the position to assess that.

Q: Can you give us an idea of the price of the open space land? A range?

A: We can look at that.

Q: As open space you can value it as habitat. Or if it just sits there, it has some intrinsic value.

A: (Lough) It can be valued as habitat. Habitat banks are charging around \$25,000 to \$45,000 an acre.

Q: Do these figures need to be reduced by the cost of City services?

A: Yes, however, the actual servicing costs would be small. This site, as open space, would not generate the need for significant extra services.

Q: Was the door closed on the golf course when the last golf course plan was withdrawn?

A: (Holzmiller) When the new timeshare/hotel project was approved, the applicant requested an amendment to remove the resort site's direct tie to the 9-hole golf course. The city's ballot measure removes golf as a use, but the council could reconsider that part of the measure.

Q: Caritas spent \$1.5 million on the cart paths under Cannon Road anticipating the golf course. I think we need to look at the impact of that.

Q: How is the city going to net \$6.6 million? If you do not have the impact then you cannot collect the fee.

A: It does not just pay for the site's improvements but for the region. The developer's "fair share" may go beyond the site's impact. The net will be between \$0 and \$6.6 million.

Q: My understanding is that the mall in Carlsbad requires a large increase in police service. So in our experience there is a significant increase in the need for city services.

Q: What is the cost of providing affordable housing for low wage workers for this proposed retail development?

A: The city can use the incoming revenue to fund this.

(Sandy Holder) We do not have a specific policy, but we have Section 8 housing. Our inclusionary housing is 15% and applies to residential development only. (Lough) 20% of tax increment must go for affordable housing because the TR parcel is in the Redevelopment Area.

Q: Why is there no value attributed to agricultural uses, or alternative agricultural uses such as the winery or greenhouses or equestrian uses?

A: We will look at that.

Q: If there is loss of income to the surrounding businesses because of agricultural use, could they come back to the city to ask for reimbursement and would that come back to the taxpayer?

A: (Lough) No, it would not be the city's obligation, it would be the landowner's. This would impact whether agriculture is indeed viable, though.

Q: Is there a provision for money to go for agricultural housing?

A: The policies target general low-income housing not specifically for agricultural workers.

Q: There used to be a plan for an 18-hole golf course also. Should we look at the value of the SDG&E land being used as a golf course and wouldn't that upgrade the potential hotel value?

A: It is conceivable that putting more amenities on a site would increase the value but I don't know if that would be the case here. We can look at that.

Q: Does the city now have an easement for the trails they are talking about or were they going to use the \$1 million proposed in the City's measure?

A: The city has no easements except for Hub Park so a portion of the money may have to be used for acquisition.

Q: Is there loss experienced by businesses that expected development per the general plan and can they ask the city to make up that loss?

A: (Lough) No.

Q: Weren't there also 20 acres in the SDG&E set aside for golf?

A: (Holzmiller) There was at least discussion to lease a part of that for 2 holes of golf?

Q: Can we look at that economic impact in the final report also?

A: (Holzmiller) There are uses including golf allowed in open space. I think there is a concern that there will be a restriction to only passive recreation in open space. The current Carlsbad Ranch plan does currently allow golf.

Q: Why are we only considering 10% of the land?

A: (Simon) That is what we were directed to do.

Q: There was a visioning process for this land. It is on the city's website.

A: (Holder) There is no vision or plan developed, there was just idea generation with no consensus.

Q: What did the landowners think a few years ago about what they would do with their land?

There was a vote in favor of asking the property owners to present what they would like to do with the land.

(Calkins) I am not sure a presentation would be useful. We already agreed to let the city consider the use of our land in its larger vision. We are very conscious of the limitations of agriculture. We were dumbfounded that the city had taken away the active recreational uses in one of the few areas of the city where that would have little impact. If the "Save the Fields" initiative prohibits us from having a nursery or visitors, it will hinder the viability of the existing Flower Fields. We want to allow the city to continue its process. But to change this for a process that no one knows how it would work...

(Ruth Love for real estate department of SDG&E) We entered into a contract with Lennar and that was our vision. The contract is now gone and we have no vision. We want to work in conjunction with the city. Our typical process is to assess the value of the land and offer it for sale, but we didn't do this because we entered into this visioning process with the city.

There was agreement that a presentation is not necessary.

Q: So this fiscal impact really only is about changing the TR parcel into open space, so it doesn't analyze the impact of the Gateway initiative, only the other two?

A: Correct.

Q: So we can still influence the city's initiative?

A: Yes.

Q: I don't think this fiscal analysis is useful or viable as it is so narrow. I'm suggesting we stop discussing this and move on.

A: (Holzmillner) When an initiative qualifies for the ballot, the City Council can request this fiscal analysis, but as the Gateway initiative has not yet qualified, it cannot be analyzed yet. The council will have the opportunity tonight to ask for the 9212 report which asks for a fiscal analysis for the "Save the Fields" initiative, now that it has qualified for the ballot.

Q: Can you address the economic impact of the transfer of development rights suggested in the Marin County ordinance also?

A: Yes.

Request was made for city staff to supply the previous economic feasibility study, which was completed for the City's golf course and the additional nine holes.

IV. Discussion of Comparison Matrix

Laura Pope worked on the matrix with staff and produced this second draft. Laura suggested some further language changes. *Please refer to third matrix draft when it is issued.*

Q: Could we add a column on the matrix for financial impact?

Q: Under Residential, could we change the Gateway answer to "allowed"?

Chair suggested that if members have detailed changes to suggest they submit them in writing to Barbara Nedros.

(Holzmillner) The technical analysis has not been changed, and it includes a column on fiscal impacts, and it will be attached as it is.

Q: Agricultural housing is allowed, so are the residential column answers correct?

Q: Do these have implementing ordinances?

A: (Lough) In looking at the other ordinances from other counties, they do not include a definition of agriculture. There are some good examples about buffer zones and transfer of development rights. I can see some ancillary uses, but this is a little problematic.

Chair asked if Mr. Lough can review the matrix when finished to see if wording is neutral. The comparative analysis is required but the recommendation of the committee is not.

Q: Can we say that no trails are allowed in the "Save the Fields" ordinances? We do not know that for sure.

Lough suggests that the committee moves forward with the general agreed upon understanding of each of the initiatives.

Q: A definition of the properties could be useful.

Q: The "Save the Fields" presenters made a lot of reference to the 1986 growth management plan. Could we add a field about growth management?

A: It is already in there.

Q: Is the city's only non-public use for farming?

A: Yes.

Q: Should we have a column asking, "Is there an existing implementing ordinance?"

A: (Holzmiller) This is addressed in the technical analysis. The subcommittee had difficulty addressing this in some parts and assumptions had to be made.

A: (Meyerhoff) Speaking as a member of the subcommittee, we tried to restrict ourselves to the text of the initiatives and not to speculate.

Chair suggested that if the committee finds it is making too many assumptions that it say that it cannot make a comparison in that area.

Q: Who would be the property owner if the "Save the Fields" initiative wins?

A: (Holzmiller) We understood that ownership would be the same as now.

Q: The term "concern" could be confused with the "Concerned Citizens". Change to "topic"?

General consensus for "topic".

Q: There is also a low-wage worker housing issue, not just farm-workers. Can we expand that?

A: Call it "affordable housing" or "employee housing"?

No decision made in committee. Given to staff.

Q: "Civic Center" or "Village" have a lot of possible definitions. Can we clarify that?

No decision made in committee. Given to staff.

Q: On item 13, I'd like to see "use of eminent domain" in there.

A: (Lough) The words you are looking for is "inverse condemnation."

Q: But will the public understand that?

A: Could we say “taking of property rights”?

Q: “Lawsuit potential for taking of property rights”?
General consensus.

Q: Could we have a legend for voters that explains all these terms?

Q: Could we move #9 –Topic - Tourist-Commercial to #4 - Topic outdoor recreation?

Q: Could we standardize the language “not allowed” or “allowed” as opposed to things like
“specifically prohibits” or other language that implies a bias on the part of the committee?

General consensus.

Q: Could we make the questions into sentences so that each column could be “yes” or “no”?

Chair suggested that we let the subcommittee and staff work on this first, then distribute to the general committee.

A suggestion was made that Laura Pope be added to the subcommittee. Agreed.

A suggestion was made that we not make too much reference to other documents because the public will not have more than the initiatives to work with.

Vote suggested that the subcommittee review the matrix draft and resubmit to the general committee. Seconded.

Subcommittee agrees.

Committee votes “yes”, with the latest draft matrix being distributed before the next meeting.

Q: Doesn’t the fact that the “Save the Fields” initiative doesn’t have an implementing ordinance leave a big hole in the analysis and comparison of these?

A suggestion was made to put aside the ordinances from other cities.

(Mobaldi) The “Save the Fields” and the City’s initiative have a provision for the situation where there may be a taking.

(Holzmiller) The principle used was that if the initiative is silent on an issue then it does not allow that use.

Request that staff remind both initiative groups that they may submit written comments.

City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Summary Notes of Meeting 6
June 27, 2006, 9 a.m. to 12 p.m.,
City of Carlsbad, 1635 Faraday Avenue, Room 173B

Present:

Committee members: (*non-voting members)

Jennifer Benner	Courtney Heineman*	Eric Munoz (chair)
Chris Calkins*	Gary Hill	Peder Norby
Nancy Calverley*	Mark Johnson	Laura Means Pope
Marvin Cap	Len Martyns	Marvin Sippel*
Claudia Carrillo*	Cary Manning	Seth Schulberg
Bill Dominguez	Kip McBane (vice-chair)	Daniel Swiger
Farrah Douglas	Leslea Meyerhoff	Mark Winkler
Bob Garcin		

Absent:

Pete Aadland	Vern Farrow	Gina McBride
Jill Agosti	Pat Kurth	Heidi Willes
Robert Morgan	Keith Lewinger	

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Karen Chen – Management Analyst
Courtney Enriquez – Management Intern
Sandra Holder – Community Development Director
Bob Johnson – Deputy City Engineer, Transportation
Jane Mobaldi – Assistant City Attorney
Barbara Nedros – Administrative Secretary
Mark Steyaert – Park Development Manager

Michael Holzmiller – Consultant to City

Facilitators from National Conflict Resolution Center

Barbara Filner
Robin Seigle
Christina Simokat, assistant

10 public and 1 press

I. Roll Call and Notes.

Quorum requirement was discussed and satisfied.

Summary Notes of meeting on June 15, 2006 were approved.

II. Public Comment

None

III. Discussion of Comparison Matrix

Subcommittee members reported on their approach to completing the matrix . Their mission was to provide a neutral, understandable comparison of the three ballot measures for the voters. They used ONLY the text of the ballot measures, with no interpretation or speculation about the initiatives' authors' motivations. Therefore, future implementing ordinances were considered speculative and not included.

(Laura Pope) Two questions were not included in the subcommittee discussion and were left out:

2. Create a "Study Area" of 1,185 acres subject to comprehensive planning?
Current – No / CC of C – No / CCUPP – Yes / CCC – No (*refer to matrix rows*)
3. Require a Master Plan for a 320-acre "Planning Area" within the Study Area?
Current – No / CC of C – No / CCUPP – Yes / CCC – No (*refer to matrix rows*)

(Kip McBane) I think those questions were addressed in the Technical Analysis. I have prepared and e-mailed to the committee a list of proposed changes to the matrix. (*refer to McBane's matrix handout*)

(Schulberg) First, we are asking the committee if they want to vote on the matrix as it is, or if they want to open it up to questions.

Discussion regarding adoption of the Subcommittee matrix resulted in a Motion and second to adopt the Subcommittee's work as presented, not including the two questions added.

Further discussion led to a retraction of the Motion and a decision (12 yes, 2 no) to take ten minutes to read McBane's proposed matrix

Break.

Q: Has the Subcommittee matrix been reviewed by the City's legal department?

A: (Sandy Holder) Yes.

Q: Is the Subcommittee in favor of McBane's matrix?

A: (Schulberg) No.

A vote on whether to discuss the McBane matrix failed (7 yes / 9 no).

McBane indicated a desire to submit his matrix as a minority report.

(Holder) It is unclear if there will be a minority report, but any committee member can submit comments to the council. *Consultation of past summaries reveals that no decision was made by the committee on the format of a possible recommendation report or minority report.*

Suggestion that the format of the Subcommittee matrix include footnote references to the initiative texts, as was provided in the McBane matrix.

Chair emphasized that the Committee needs to support the Subcommittee's work, as all members had a chance to be on the Subcommittee. But this discussion is important so we should go through the process.

(Jane Mobaldi) One correction in the Technical analysis of the comparison matrix in the last box on "Takings": Add "Allows amendment.....upon showing of substantial evidence" It is not up to the City Council. (She will submit her changes in writing to staff).

A motion was made to adopt the matrix for purposes of moving forward to the Committee recommendations.

Comment that rows from McBane's matrix are important, specifically: "New 1.a" that if all measures are on the ballot, the one with the greatest number of votes supersedes the others, and "New 4.a" and "New 4.b" regarding the office/retail breakdown.

McBane asked to be on record that he would vote against the Subcommittee matrix because he thinks some of the information included is incorrect.

Another concern was raised that "commercial" wasn't specifically mentioned.

(Schulberg) "Commercial" is discussed in row #9.

Q. What about "commercial" in the proposed Civic Center complex.

(Farrah Douglas) The CCUPP initiative would require a vote for a Civic Center so it is not clear if commercial would be included or not.

A vote was passed to adopt the subcommittee matrix.

IV. Discussion of Committee Recommendations and Report

Q: If this matrix is accepted, then why do we need to make more recommendations? When do we vote on which initiative we recommend?

A. (Schulberg) Each Committee member may vote on any initiative in November. It's not the Committee's job to choose one over another.

A: (Holzmiller) The committee can make recommendations to the City Council or not, but it is not a mandate.

Q: Are we making recommendations on the draft City initiative or on the other initiatives?

A: (Schulberg) We can only make recommendations to the City for things they can change, i.e. the City's initiative.

Q: Could the City draft a coastal agricultural zone ordinance so the people would know what would be allowed

A: (Holder) It would be up to the City Council if they want staff to spend time on that. It would be speculative. Ordinances require environmental review, public input, Coastal Commission review and would require approximately a year and a half.

Q: Is the Committee inclined to support the City's initiative? Because if they are not, we don't have to spend time on how to recommend changes to it.

Q: (Pope) I have put together questions that might help organize this. (*refer to "opinion poll" handout*)

Chair said we will take a break and the facilitators will lead the ensuing discussion.

Facilitator: We are going to have a brainstorming session to generate recommendations with no evaluation. We will then group them together and distribute the recommendations for the committee to vote on at the next meeting.

Q: My understanding is that the City could still adopt the "Save the Strawberry Fields..." Concerned Citizens of Carlsbad initiative, correct?

A: (Mobaldi) Yes.

Recommendations generated through brainstorming:

1. Format of the report should include citations to specific places in the initiatives/ballot measure that support the information in the Comparative Analysis.
2. City Council to draft Coastal Agricultural Zone ordinance that would define what would be allowed in such a zone.
- 3 a). City should work to achieve General Plan/Local Coastal Program/Zoning consistency for all the properties under consideration.
 - b). City should conduct community outreach effort to "scope out" general plan, local coastal program, and zoning designations that would guide the City effort (a) above.
 - c). City should utilize the Planned Community (PC) zone to implement General Plan, Local Coastal Program and land use designations in the area.

4. City ballot measure should clarify SDG&E property rights, i.e. entire property is currently zoned Public Utility not just where the power line easements are located.. Any City ballot measure should not strip that away Public Utility uses on the property as a whole.
5. For Carlsbad Ranch Specific Plan: Retain agricultural use and allow flexibility and support agricultural uses and allow active recreation uses on all Carlsbad Ranch sites (except on The Flower Fields®).
6. Allow public or private active recreation not just passive recreation
7. Add a row that shows that the initiatives are “citizens’ initiatives”
8. City ballot measure should affirm TR zoning or 48 acres that is currently zoned TR. Remove it from inclusion in the ballot measure.
9. Remove trail funding amount from the City ballot measure.
10. Remove specific reference to “Civic Center” in the City ballot measure.
11. Add a row that says: Permits commercial/industrial/residential use.
12. City ballot measure should allow for affordable housing if required by the state.
13. Add a row that says: Create a study area of 1,185 acres subject to comprehensive planning, to be answered: No, No, Yes, No.
14. Add a row that says: Requires Master Plan for 320 acre planning area within the study area, to be answered: No, No, Yes, No.
15. City should go forward with its own ballot measure.
16. City should allow for public “deliberation” irrespective of results of election (if different than a public “meeting” where time for comments is limited).
17. First page of Comparative Analysis to have issues most important to the public (allow or disallow residential, commercial, agriculture, etc.)
18. Remove Rows 6, 7, and 8 regarding housing.
19. City ballot measure should reiterate that the City has a Growth Management Plan that applies to the surrounding areas and works well.
20. Keep housing issues (Rows 6, 7, and 8) on the Comparative Analysis.
21. Remove Rows 6 and 7, but keep Row 8 regarding housing.

22. Row 10 – Change language to say: Restrict existing Public Utility (PU) “easement” to “Activity”; Change language under Current Status from “PU easement overlays SDG&E property” to “All of SDG&E owned property is zoned Public Utility”; Change answer under City ballot measure to “maybe”.
23. Remove under Technical Analysis row called “Other Fiscal Impacts” as they will be a subject of a full report of the City’s consultant.
24. City ballot measure should require that all of the property under consideration be “Master Planned”.
25. City should not go forward with its own ballot measure and should implement the recommendations of the Citizens’ Committee without a proposed measure.
26. Permit passive and active recreation without altering existing Flower Fields® **(Motion to adopt this accepted, (12 yes/ 0 no).**
27. Clarify which properties are affected by the two initiatives and the ballot measure.
28. Report should have maps and a definition of terms.

Next meeting we need to discuss what the report should contain, and decide if it will need map(s).

We need to decide how we are going to make decisions in the next meeting.

(Chairman) The Committee should pre-read everything for next time and be ready to vote in the next meeting. Staff will create a matrix of recommendations for next time similar to Laura Pope’s “opinion poll” (*refer to handout*).

Vote to have final matrix and recommendations created and distributed before the next meeting and vote will happen at the next meeting – all in favor/none opposed.

City of Carlsbad
Citizens' Committee to Study the Flower Fields and Strawberry Fields Area
Summary Notes of Meeting 7
July 11, 2006, 9 a.m. to 12:30 p.m.,
City of Carlsbad, 1635 Faraday Avenue, Room 173B

Present:

Committee members: (*non-voting members)

<i>Pete Aadland</i>	<i>Courtney Heineman*</i>	<i>Leslea Meyerhoff</i>
<i>Chris Calkins*</i>	<i>Gary Hill</i>	<i>Robert Morgan</i>
<i>Nancy Calverley*</i>	<i>Mark Johnson</i>	<i>Eric Munoz (chair)</i>
<i>Marvin Cap</i>	<i>Pat Kurth</i>	<i>Peder Norby</i>
<i>Claudia Carrillo*</i>	<i>Keith Lewinger</i>	<i>Laura Means Pope</i>
<i>Bill Dominguez</i>	<i>Cary Manning</i>	<i>Marvin Sippel*</i>
<i>Farrah Douglas</i>	<i>Len Martyns</i>	<i>Heidi Willes</i>
<i>Vern Farrow</i>	<i>Kip McBane (vice-chair)</i>	<i>Mark Winkler</i>
<i>Bob Garcin</i>	<i>Gina McBride</i>	

Absent:

<i>Jill Agosti</i>	<i>Seth Schulberg</i>
<i>Jennifer Benner</i>	<i>Daniel Swiger</i>

City of Carlsbad Staff:

Gary Barberio – Principal Planner
Courtney Enriquez – Management Intern
Cynthia Haas – Economic Development and Real Estate Manager
Sandra Holder – Community Development Director
Bob Johnson – Deputy City Engineer, Transportation
Jane Mobaldi– Assistant City Attorney
Barbara Nedros – Administrative Secretary
Mark Steyaert – Park Development Manager

Michael Holzmiller –Consultant to City

Facilitators from National Conflict Resolution Center

Barbara Filner
Robin Seigle
Christina Simokat, assistant

8 public and 1 press

I. Roll Call and Notes.

Summary Notes of meeting on June 27, 2006 were approved (19 yes/ 0 no) with a correction requested to state that a minority report would be included in the Committee's Report.

Voting procedures: this will be done by raising hands only. Twenty-one (21) voting members were present. Because this Committee is covered under the Brown Act, a simple majority of the voting members present (11 votes) will prevail. Two members submitted votes by email. Jane Mobaldi, Assistant City Attorney, stated that consistent with the Brown Act members must be present to vote, so those votes though noted, will not be counted.

There will be a minority report headed up by Kip McBane and based on the report he submitted for this meeting. Everyone on the Committee will have to "sign off" on either the majority or minority report.

Every Committee member can write comments for the council if they want, but the final format of how this will be submitted is still being considered.

Q: What happens if you want to vote for no report?

A: You can also sign off on that.

Q: Is it true that the CCUPPS initiative has been withdrawn?

A: Yes.

II. Public Comment.

Ramona Finnila for CCUPP: We could not gather the signatures to get our initiative ("Carlsbad Gateway Parkland and Open Space Initiative of 2006") on the ballot. This was due to our not having the financial resources to hire signature gatherers and discovering that each signature took an education process. We needed to have an appropriate amount of time to explain planning and growth management. We did not criticize the city. We did not lie to get signatures as the "Save the Flower Fields" signature gatherers did.

We want to make the following points to the Citizen's Committee:

1. *The fiscal and legal impacts of taking another's land have grave consequences.*
2. *The importance of connectivity of people and places within a community cannot be underestimated.*
3. *The value of housing in order to create vitality within a neighborhood has significance to smart growth planning. Example: adding housing units within the Village.*
4. *There is a need for active and passive venues for our family oriented community.*
5. *The improbability of long term traditional agriculture in a coastal incorporated city cannot be overlooked.*
6. *The possibility of increased accessibility on the heretofore inaccessible 340 acres should be highlighted.*

7. *Museums, restaurants, amphitheaters and public spaces are positive amenities to a community's commercial culture. We never at any time advocated for industrial uses.*
8. *Master planning is the preferential path to developing large scale acreage.*
9. *Choice enhances Carlsbad's future and is a major attraction to business and its citizenry.*

In summary, if your Committee's recommendation is to go forward with a revision to the city's initiative, we ask that you incorporate or cherry pick from our components. Your recommendation could be the catalyst for wonderful things in Carlsbad.

Motion and second was made that since the Carlsbad Gateway initiative is withdrawn, it should not be discussed at all, and should be struck from the matrix.

Discussion:

- We may want the City Council to adopt some of the features from the Carlsbad Gateway Initiative for their ballot measure.
- There is also no guarantee that the City's ballot measure will be put on the ballot.
- We can include all three ballot measures in the appendix.

Vote 20 yes/ 0 opposed /1 undecided

- Note that the minority report will reflect the same change.

III. Finalize Committee Recommendations Relating to the Comparative Analysis (Matrix)

The Committee went through the June 27th recommendation sheet and took a straw vote. Anything other than a unanimous decision can be discussed.

Suggestion that the minority on each point make their comments and the Committee will re-vote after the discussion.

Section III of June 27th recommendation sheet

Row J: Both initiatives treat the issue the same, so whether it is yes or no, it should be the same.

(Holzmiller) With either initiative, there will be rezoning to open space. It was not the intent of the city's ballot measure to restrict the public utility easement and the city has to abide by state and PUC regulations.

Motion to vote on J, eliminating the last line 'Change answer under City ballot measure to "maybe".' **Vote 6 yes/ 11 no/ 4 undecided**

Motion to accept J 'as it was originally written.' (without the change of deleting the last line) **Vote 8 yes/ 11 no /1 undecided**

Motion to eliminate row 10 of the matrix. **Vote 9 yes/11 no /1 undecided**

Suggestion that the Committee recommend that the Council not support either initiative and instead educate the public on the current planning process.

Suggestion that the Committee accept only those items that are unanimous and move on to putting together the recommendations for the council.

Motion that we delete rows B and C, and F and G, and re-vote and move forward. **19 yes/ 0 no/ 2 undecided**

Vote to accept the comparison matrix: **17 yes/ 4 no/ 0 undecided**

IV. Recommendations Regarding City Proposed Ballot Measure

The Committee voted on the items in Section I of the June 27th recommendation sheet.

Motion to delete row A. Not seconded.

Suggestion to start with C through L then go back to A and B.

Rows C, E, F, I, J, K, L were accepted as recommendations by majority to the City Council.

Q: What's the difference between G and L?

A: (Holzmiller) We weren't sure if this was only applying to the Carlsbad Ranch area and we needed clarification of the definition of public vs. private.

A: (Norby) We are talking about the whole property, and public and private recreation.

Q: Are we asking the city to go through the zoning, coastal plan, all the other planning, and then to Master Plan? It seems like an irrelevant burden. (Discussion relates to Item K.)

A: Perhaps it needs to be called a specific plan?

Q: So Master Plan means nothing can be done until the Master Plan is finished?

A: Yes.

Q: Can the existing uses in an area that is being Master Planned continue?

A: (Holzmiller) If it is an existing use, it could continue. If the city implements the Master Plan recommendation, then a property owner could not propose a new use until all the Master Plan requirements were fulfilled.

Q: Could the city initiate the Master Plan if there was a PC zone on it?

A: (Holzmiller) The Committee could recommend that "There should be a Master Plan initiated by the city"

Q: Can the Committee recommend a Master Recreation Plan.

Q: Are we creating a difficulty in asking for a Master Plan for this entire area that is not necessarily even adjacent and contiguous?

Q: Could we recommend a somewhat different process that would not unduly burden the landowners but allow for public input?

Motion to re-vote on K. **Vote 18 yes/3 no/0 undecided.**

Re-vote on K: **1 yes/19 no/1 undecided.**

Rows C, E, F, G, I, J, L are accepted as recommendations by a majority of the Committee to go forward to the City Council.

Vote proceeded for A and B.

Discussion about how to vote on A with the current wording.

- Mayor Lewis feels that one of the initiatives will pass, so if the City doesn't have an initiative on the ballot, the 'Save the Fields' initiative might win, and the City is not allowed to spend money supporting or not supporting a citizens' initiative, but it can support its own initiative.
- (Mobaldi) The proposed money for trails has to be voted on by the people.
- It makes sense for the city to have an initiative but the Committee's analysis has shown that the current initiative is flawed.

Motion to vote on A as written. **13 yes/ 6 no/ 2 undecided.**

Motion to add A2, "That the city should go forward with an initiative incorporating all of the Committee's recommendations." **20 yes/ 0 no/ 1 undecided.**

Discussion on whether the vote on A means the vote on the City's proposal as written, or whether the city should have an initiative at all.

- Mobaldi proposed that the Committee vote on the following three points:
 - The city should go forward with the ballot measure as it is proposed. **0 yes/ 21 no/ 0 undecided.**
 - A ballot measure different than the proposed should go forward. **15 yes/ 3 no/ 3 undecided.**
 - A ballot measure with Citizens' Committee Recommendations should go forward. **20 yes/ 0 no/ 1 undecided.**

V. Other Committee Recommendations to the City Council

Discussion on A: Is the intent for this draft (of Coastal Agricultural Zone) to be done before the election or is it a general recommendation?

Discussion on C: what does a "deliberation" process cover?

- In a normal public hearing process, people only have a few minutes to say their opinion. This would allow for more dialogue, whether it is a workshop or another process.
- And the council could decide to have a workshop about a Coastal Agricultural Zone.
- If an initiative goes through, it can still be decided that there was a mistake and there needs to be another public vote.

Motion to vote on the following (II. D.): "Initiate a comprehensive planning process for the property." **21 yes/ 0 no/ 0 undecided.**

Discussion on B iii: what is a Planned Community zone?

A: (Munoz) That was my proposal. It does require a Master Plan process. I would move to eliminate Biii and use D in its place. **20 yes/ 0 no/ 0 undecided.**

Bi, Bii, C and D will be recommended to the city.

VI. Recommendations Regarding the Committee's Report to City Council

Discussion on A (re: adding to the report citations to specifics in ballot measures)

(Holder) The staff may not be able to do this in time for the report to the Council. Move for re-vote on A. **20 yes/ 0 no/ 1 undecided.**

Re-vote on A: **2 yes/18 no/0 undecided**

Discussion on B: (Holzmiller) We need clarity on this.

- In one of the initiatives, the text talks about different properties than are identified on the maps included with the initiative.
- I think it would be ok to simply note the inconsistencies.

Motion to insert an Appendix with the General Plan Land Use map, Zoning map and a summary of the current zoning designations. **14 yes/ 1 no/ 2 undecided.**

Motion to add the agendas and a minority report to the report. **14 yes/ 0 no/ 3 undecided.** Those who want to be part of the minority report should contact Kip McBane before the end of the day Wednesday of this week.

The City Council will review this Committee's report on July 25th.

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

MEETING OF TUESDAY, MAY 16, 2006, 9:00 A.M.
CONFERENCE ROOM 173B
CARLSBAD FARADAY CENTER, 1635 FARADAY AVE,
CARLSBAD, CA 92008

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1. | Check-in | 9:00 – 9:15 |
| 2. | Welcome and Overview of Purpose
Mayor Pro Tem Matt Hall | 9:15 – 9:25 |
| 3. | Introductions <ul style="list-style-type: none">• Robin Seigle, NCRC• Committee Members• Staff | 9:25 – 9:55 |
| 4. | Purpose and Scope of Committee (Sandra Holder) | 9:55 – 10:05 |
| | BREAK | 10:05- 10:15 |
| 5. | Process and Procedures (Robin Seigle) <ul style="list-style-type: none">• Committee Ground Rules• Decision Making Process• Approve Meeting Schedule• Election of Chair and Vice Chair | 10:15 – 11:15 |
| 6. | Overview Content of Notebook (Michael Holzmiller) | 11:15 – 11:30 |
| 7. | Set Next Agenda | 11:30 – 11:40 |
| 8. | Public Comment | 11:40 – 11:55 |
| 9. | Adjourn | 11:55 – 12:00 |

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

TUESDAY, MAY 30, 2006, 9:00 A.M.

CONFERENCE ROOM 173B

**CARLSBAD FARADAY CENTER, 1635 FARADAY AVE,
CARLSBAD, CA 92008**

- | | | |
|----|-------------------------------------------------|---------------|
| 1. | Call to Order | 9:00 – 9:05 |
| 2. | Roll Call – Chair | 9:05 – 9:10 |
| 3. | Approval of Meeting Summary | 9:10 – 9:20 |
| 4. | Public Comments | 9:20 – 9:35 |
| 5. | Discussion of Background Materials | 9:35 – 10:30 |
| | • Site I – Existing Flower Fields | |
| | • Site II and III – Carlsbad Ranch PA 8A and 8B | |
| | BREAK | 10:30 - 10:45 |
| 5. | Discussion of Background Materials Continued | 10:45 – 11:45 |
| | • Site IV – SDG&E Property | |
| | • SD County Farm Bureau Presentation | |
| | Eric Larson, Executive Director | |
| 6. | Next Meeting – June 6, 2006 | 11:45 – 11:55 |
| 7. | Adjourn | 11:55 – 12:00 |

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

MEETING OF TUESDAY, June 6, 2006, 9:00 A.M.

CONFERENCE ROOM 173B

CARLSBAD FARADAY CENTER, 1635 FARADAY AVENUE,

CARLSBAD, CA 92008

- | | | |
|-------|----------------------------------------------------------------------------------------------------------------|---------------|
| 1. | Call to Order - Chair
Roll Call – Sign-in Sheet
Approval of Meeting Summary Notes | 9:00 – 9:05 |
| 2. | Consideration of Sub-committee Formation
to create draft initiative comparison matrix | 9:05 – 9:15 |
| 3. | “Carlsbad Gateway Parkland and Open Space Initiative of 2006”
Presentation | 9:15 – 9:45 |
| 4. | “Save the Strawberry and Flower Growing Fields Act of 2006”
Presentation | 9:45 – 10:15 |
| BREAK | | 10:15 – 10:30 |
| 5. | “The Flower Fields, Strawberry Fields, Open Space and Public
Trails Protection Act of 2006”
Presentation | 10:30 - 11:00 |
| 6. | Clarifying Questions from the Committee | 11:00 – 11:45 |
| 7. | Public Comment | 11:45 – 12:00 |
| 8. | Adjourn | |

Next Meeting: Thursday, June 15, 2006 at 9:00 A.M. – 1635 Faraday Avenue, Room 173B
Next Meeting Topic: Begin Comparative Analysis of Initiatives

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

THURSDAY, JUNE 15, 2006, 9:00 A.M.

CONFERENCE ROOM 173B

CARLSBAD FARADAY CENTER, 1635 FARADAY AVENUE,

CARLSBAD, CA 92008

- | | | |
|----|------------------------------------------------------------------------------------------------|---------------|
| 1. | Call to Order - Chair
Roll Call – Sign-in Sheet
Approval of Meeting Summary Notes | 9:00 – 9:05 |
| 2. | Public Comment | 9:05 – 9:20 |
| 3. | Additional Initiative Question and Answer Sessions | |
| | a. “Carlsbad Gateway Parkland and Open Space Initiative of 2006” | 9:20 – 9:35 |
| | b. “Save the Strawberry and Flower Growing Fields Act of 2006” | 9:35 – 9:50 |
| | c. “The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006” | 9:50 - 10:05 |
| | BREAK | 10:05 – 10:15 |
| 4. | Discuss Legal Considerations (James P. Lough, Special Counsel) | 10:15 – 10:35 |
| 5. | Subcommittee Report and Discussion of Draft Initiative Comparison Matrix | 10:35 – 12:00 |
| 6. | Adjourn | |

Next Meeting: Tuesday, June 20, 2006 at 9:00 A.M. – 1635 Faraday Avenue, Room 173B
Next Meeting Topic: Fiscal Considerations and Begin Committee
Recommendations and Report

116

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

TUESDAY, JUNE 20, 2006, 9:00 A.M.

CONFERENCE ROOM 173B

**CARLSBAD FARADAY CENTER, 1635 FARADAY AVENUE,
CARLSBAD, CA 92008**

- | | | |
|----|-----------------------------------------------------------------------------------------|---------------|
| 1. | Call to Order - Chair
Roll Call – Sign-in Sheet
Approval of Meeting Summary Notes | 9:00 – 9:05 |
| 2. | Public Comment | 9:05 – 9:20 |
| 3. | Fiscal Impact Discussion (Jim Simon, RSG) | 9:20 – 9:40 |
| 4. | Continued Discussion of Subcommittee Report and
Draft Initiative Comparison Matrix | 9:40 – 10:00 |
| | BREAK | 10:00– 10:10 |
| 5. | Continued Discussion of Subcommittee Report and
Draft Initiative Comparison Matrix | 10:10 – 11:00 |
| 6. | Discussion of Committee Recommendations and Report | 11:00 – 12:00 |
| 7. | Adjourn | |

Next Meeting: Tuesday, June 27, 2006 at 9:00 A.M. – 1635 Faraday Avenue, Room 173B
Next Meeting Topic: Approve final recommendations and report

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

TUESDAY, JUNE 27, 2006, 9:00 A.M.

CONFERENCE ROOM 173B

**CARLSBAD FARADAY CENTER, 1635 FARADAY AVENUE,
CARLSBAD, CA 92008**

- | | | |
|----|-----------------------------------------------------------------------------------------|---------------------|
| 1. | Call to Order - Chair
Roll Call – Sign-in Sheet
Approval of Meeting Summary Notes | 9:00 – 9:05 |
| 2. | Public Comment | 9:05 – 9:20 |
| 3. | Continued Discussion of Subcommittee Report and
Draft Initiative Comparison Matrix | 9:20 – 10:30 |
| | BREAK | 10:30– 10:45 |
| 4. | Discussion of Committee Recommendations and Report | 10:45 – 12:00 |
| 5. | Adjourn | |

Final Meeting: Tuesday, July 11, 2006 at 9:00 A.M. 1635 Faraday Avenue, Room 173B
Final Meeting Topic: Review and Approve Final Citizens Committee Report to be considered by
the City Council at its meeting of July 18, 2006

CITY OF CARLSBAD
CITIZENS' COMMITTEE TO STUDY THE FLOWER
FIELDS AND STRAWBERRY FIELDS AREA

MEETING AGENDA

TUESDAY, JULY 11, 2006, 9:00 A.M.

CONFERENCE ROOM 173B

**CARLSBAD FARADAY CENTER, 1635 FARADAY AVENUE,
CARLSBAD, CA 92008**

- | | | |
|-------|----------------------------------------------------------------------------------------------------------------------|---------------|
| 1. | Call to Order - Chair
Roll Call – Sign-in Sheet
Approval of Meeting Summary Notes | 9:00 – 9:05 |
| 2. | Public Comment | 9:05 – 9:20 |
| 3. | Finalize Committee Recommendations | 9:20 – 10:30 |
| BREAK | | 10:30 – 10:45 |
| 4. | Finalize the Draft Comparative Analysis | 10:45 – 11:00 |
| 5. | Review and Approve Citizens Committee Report to be
considered by the City Council at its meeting of July 25, 2006 | 11:00 – 12:00 |
| 6. | Adjourn | |

C. Copy of Initiative and
Draft City Ballot Measure

DEC 19
DEC 19
City of Carlsbad
City of Carlsbad

To the Honorable City Clerk of the City of Carlsbad: We, the undersigned, registered and qualified voters of the County of San Diego hereby propose an initiative measure to amend the City of Carlsbad General Plan. We petition you to submit this measure to the City Council of the City of Carlsbad for adoption without change, or for submission of the measure to the voters of the City of Carlsbad at a general or special election. The measure provides as follows:

SAVE THE STRAWBERRY AND FLOWER GROWING FIELDS ACT OF 2006

The People of the City of Carlsbad do hereby enact and ordain:

Section 1. TITLE.

- 1.1 This Initiative shall be known and may be cited as the "Save the Strawberry and Flower Growing Fields Act of 2006."

Section 2. PURPOSE AND FINDINGS.

- 2.1 **Purpose.** The purpose of this initiative is to conserve current coastal Open Spaces and historic coastal agricultural uses within the City of Carlsbad ("City") located at the south shore of the Agua Hedionda Lagoon. The City has a history and policy of promoting and protecting such coastal agricultural uses as well as ensuring environmental protection of its lagoons, watersheds, agricultural lands, open spaces and scenic resources, among others. This initiative amends the Carlsbad General Plan to promote and strengthen the continuation of such land-use policy in this specific sensitive area of the community commonly known as the Strawberry and Flower Growing Fields. Specifically, the initiative provides for a new designation of agricultural lands as coastal agriculture within the Open Space Element of the Carlsbad General Plan for these areas within the Coastal Zone currently in agricultural production, and to conserve these designated areas from premature fragmentation, inappropriate developments or other inconsistent land uses.
- 2.2 **History and Location.** The City has historically supported the conservation of coastal agriculture as evidenced within its General Plan, Agua Hedionda Land Use Plan - Local Coastal Plan Segment, among other City documents, policies and plans. This initiative will strengthen and promote that City policy. The subject area of this initiative is immediately adjacent to the south shore of the Agua Hedionda Lagoon and is internally contiguous. The area described will form a "T" shape in the Coastal Zone. The bottom of the "T" begins at, and runs in a north to south direction from the north end of Palomar Airport Road between Legoland to the east and commercial developments to the west and northward to Cannon Road. This long rectangular area consists of the "official" Flower Fields of 53.40 acres and the immediately adjacent area of 45.60 acres, also currently in agricultural production. The "top" of the "T" is that area sandwiched between

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Cannon Road to the south and Agua Hedionda Lagoon to the north and running east to west from Interstate 5 toward El Camino Real along the north edge of Cannon Road and the south edge of Agua Hedionda Lagoon. Another area for inclusion is currently in agricultural production and consists of 26.45 acres contiguous with this area, with Cannon Road forming its north boundary and Legoland forming its south boundary. Map locations and Assessor Parcel Numbers ("APN's") are provided herein for location reference. See also, Exhibits A - D for further reference.

- 2.3 Findings. The People of the City of Carlsbad find and declare that the subject lands of this initiative are currently under-protected by City policy and established planning documents including, but not necessarily limited to, the City General Plan and Zoning Ordinances, Agua Hedionda Land Use Plan - Local Coastal Plan Segment, Habitat Management Plan, Citywide Facilities Management Plan, Growth Management Plan, South Carlsbad Coastal Redevelopment Plan and Carlsbad Ranch Specific Plan. The People of the City enact this legislation to effectuate necessary guidance for future planning in this important land use area as such affects community desires, health, safety and well being. The City Council is directed by the People to give all effectuation, by whatever means practicable, to implementing the intentions of this initiative.
- 2.4 Recognitions. The People of the City Carlsbad recognize that the area described in this initiative could be developed in the future into residential, commercial or other developments and intend hereby to legislate and provide policy guidance to elected City officials and staff that the will of the People of the City of Carlsbad is to maintain, keep, and conserve these lands as Open Space for land uses consistent with coastal agriculture. It is also acknowledged that property rights negotiations have occurred in the past, and may be occurring currently between the owners of these lands and others with potential residential, commercial or other development interests.

Section 3. GENERAL PLAN AMENDMENTS.

Within this Section the People of the City of Carlsbad hereby readopt, reaffirm and amend the Carlsbad General Plan adopted on September 6, 1994 through City Council Resolution No. 94-246 and as subsequently amended through the filing date of this initiative, as set forth below. Text to be inserted into the General Plan is indicated in ***bold italic*** type while text to be stricken is indicated by ~~-/strikethrough/-~~ (i.e., ~~strikethrough~~) type, and text in standard type is currently as it appears in the Carlsbad General Plan.

- 3.1 The VISION AND INTRODUCTION section of the Carlsbad General Plan, Part I. CARLSBAD - THE VISION, the first vision statement located as the first paragraph on the left side of the page on page 1; the text is amended as follows:

A City which provides a balanced variety of land uses for living, business, employment, recreation and open space opportunities *including appropriate agricultural production areas.*

- 3.2 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part II. FRAMEWORK FOR OPEN SPACE & CONSERVATION PLANNING, Section A. Open Space Definition & Classification System, Category 2: Open Space for Managed Production of Resources, located at page 3; the text is amended as follows:

CATEGORY 2: Open Space for Managed Production of Resources

- (a) Forestry/Agriculture/Aquaculture;
 - i) Forest lands;
 - ii) Rangeland;
 - iii) Agriculture *and Coastal Agriculture*;
 - iv) Aquaculture
 - v) Horticulture, including greenhouses;
or
 - vi) Flower Fields *and contiguous Coastal Agriculture.*

- 3.3 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part II. FRAMEWORK FOR OPEN SPACE & CONSERVATION PLANNING, Section F. Citywide Open Space Plan, Category 2: Open Space for Managed Production of Resources, located at page 16; the text is amended as follows:

Forestry/Agriculture/Aquaculture (2a)

Forestry, agriculture and aquaculture are considered a category 5 citywide priority for future open space planning *except that coastal agriculture areas adjacent to Agua Hedionda Lagoon and as they connect in a contiguous manner with the flower fields shall be considered a Zone Primary Action Priority in Local Facilities Management Zone 13 and shall be considered here a category 1 priority.* It is the City's intention to support and utilize all measures available, including, *but not limited to*, the Williamson Act, to secure agricultural land uses for as long as possible ~~prior to development~~, and to promote the long-term economic viability of agricultural uses. ~~However, it should be recognized that Carlsbad is an urbanizing city, and the projected pattern of development is such that the extensive areas generally required for economic agricultural operations are unlikely to be available in the long term.~~

- 3.4 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part II. FRAMEWORK FOR OPEN SPACE & CONSERVATION

PLANNING, Section G. Maps of the Open Space & Conservation Element, located at pages 35-36; the Official Open Space & Conservation Map is amended to include an area of land of approximately 45 acres abutting Interstate 5 on the east, Agua Hedionda Lagoon on the north and Cannon Road on the south to be added as Open Space from Travel/Recreation Commercial Use (T-R) to the map as shown through Exhibits C and D as Open Space and coastal agricultural lands and as identified by assessor parcel numbers (APN's) in Sections 3.6 and 3.11 of this Initiative. The People of Carlsbad in amending the Official Open Space & Conservation Map hereby find that (1) The proposed open space is equal to or greater than the area depicted on the Official Open Space and Conservation Map; (2) That the proposed open space area is of environmental quality equal to or greater than that depicted on the Official Open Space and Conservation Map; and (3) the proposed adjustment to open space, as depicted on the Official Open Space and Conservation Map, is contiguous or within close proximity to open space as shown on the Official Open Space Map.

- 3.5 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Open Space Planning and Protection segment sub-part A, Goals, located at page 21; the text is amended as follows:

A. GOALS

- A.1 An open space system of aesthetic value that maintains the community identity, achieves a sense of natural spaciousness, and provides visual relief in the cityscape.
- A.2 A city with a balance of programmed and unprogrammed open space within each of the four quadrants of the City.
- A.3 An open space system that improves the quality of life for the citizens of Carlsbad.
- A.4 A city with an adequate amount and variety of open space for outdoor recreation *and agricultural production including coastal agricultural production*, including, but not limited to: parks; beaches; areas for organized sports; connecting corridors containing trails; water recreation areas (beaches, lagoons, lakes); unique conservation areas for nature study; *agriculture including coastal agriculture*; and, semi-developed areas for camping.

- 3.6 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Open Space Planning and Protection, segment sub-part B, Objectives, located at page 21; the text is amended by adding a new objective after the last stated objective of B. 12, as follows:

B. OBJECTIVES

B.13 To provide for continued coastal agricultural production adjacent to Agua Hedionda Lagoon forming as contiguous as possible a connection with the flower fields and utilizing the area between the south shore of the lagoon and the north edge of Cannon Road and contiguous parcels for continued coastal agricultural production including, but not limited to, flower fields and strawberry fields.

- 3.7 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Promoting Agriculture, located at page 29; the text is amended as follows:

PROMOTING AGRICULTURE

Agriculture is an important resource in the City of Carlsbad, ***in particular coastal agriculture in the vicinity of Agua Hedionda Lagoon and its connection with the flower fields is in integral resource deserving of special conservation measures.*** Agriculture policies are intended to support agriculture activities ~~while planning for possible future transition to more urban uses~~ consistent with the policies of the Land Use Element and the Carlsbad Local Coastal Program.

A. GOAL

A city which recognizes the important value of agriculture and horticulture lands. ***A City which recognizes the unique value of coastal agriculture uses adjacent to Agua Hedionda lagoon and contiguous agricultural open space areas with the flower fields.***

B. OBJECTIVES

- B.1 To develop an inventory of agricultural uses in the City, ***and to identify areas of coastal agriculture in the vicinity of Agua Hedionda Lagoon where conservation and special programs may be established to ensure long term operational viability of these important coastal agricultural areas.***
- B.2 To promote the establishment of agricultural preserves.
- B.3 To promote the use of technology for agricultural purposes to improve the economic viability of agriculture.
- B.4 To ensure that new development is sensitive to existing agricultural uses.
- B.5 To ensure that agricultural uses do not adversely impact sensitive environmental resources, ***through the use of appropriate mitigation measures, where applicable.***

- 3.8 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part III. GOALS OBJECTIVES & IMPLEMENTING POLICIES AND ACTION PROGRAMS, Promoting Agriculture, Implementing Policies and

Action Programs sub-part, located at pages 29-30; the text of paragraphs C.1 through C.17 are retained in their entirety, a new paragraph is inserted as C.18 and the text is amended as follows:

IMPLEMENTING POLICIES AND ACTION PROGRAMS

C.18 Continuation of coastal agricultural production along the south shore of Agua Hedionda Lagoon and forming as contiguous as possible a connection with the flower fields is a priority for agricultural conservation within the Land Use Element and the Open Space & Conservation Element of the City of Carlsbad General Plan. The following areas as identified by assessor parcel numbers (APN's) shall be included as open space for coastal agricultural production deserving of special resource protections by the City: APN 211-023-13; APN 211-023-11; APN 211-022-21; APN 211-010-24; APN 211-010-05; APN 211-010-31; APN 211-010-28, as is further identified graphically on Exhibits A-D. All maps, charts and graphs shall be amended by the City to reflect their inclusion as such.

- 3.9 The OPEN SPACE & CONSERVATION ELEMENT of the Carlsbad General Plan, Part IV. Glossary, located at page 40; the text is amended by adding a definition of Coastal Agriculture to the definitions contained therein and the text is amended as follows:

COASTAL AGRICULTURE

Lands located within the coastal zone of the City that support production of agricultural products.

- 3.10 The LAND USE ELEMENT of the Carlsbad General Plan, Part II, DESCRIPTION OF THE LAND USE, Section A. City Form and Function, sub-part 2. Major Factors Affecting Form, Factor 2: Airport and Nonresidential Corridor, the second full paragraph, located at page 3; the text is amended as follows:

"Factor 2: Airport and Nonresidential Corridor"

This nonresidential corridor extends beyond the actual influence area of the airport, all the way to the ocean and the mouth of Agua Hedionda Lagoon. The extension comes about due to the proximity of the airport's influence area to the 640-acre utility corridor owned by San Diego Gas and Electric for the Encina Power Plant and its associated major transmission right-of-way along the southerly shore of Agua Hedionda Lagoon. Land within this ownership may be used only for industrial-scale utility functions ***existing utility transmission corridors, coastal agricultural production*** and open space.

- 3.11 The LAND USE ELEMENT of the Carlsbad General Plan, Part II, DESCRIPTION OF THE LAND USE, Section D. Special Planning Considerations, sub-part 5. Agriculture, located at page 26; the text of the first full paragraph is amended as follows, the two paragraphs that follow are retained in their entirety:

5. AGRICULTURE

Agriculture is an important resource in Carlsbad. *In particular, coastal agricultural uses adjacent to Agua Hedionda Lagoon are of a high conservation priority for the City.* The City's agricultural policies are intended to support agricultural activities while planning for future transition of the land to more *Open Space, Community Parks, or* urban uses consistent with the policies of the General Plan and the Carlsbad Local Coastal Plan (LCP).

- 3.12 The LAND USE ELEMENT of the Carlsbad General Plan, Part III, GOALS, OBJECTIVES AND IMPLEMENTATION POLICIES AND ACTION PROGRAMS, Agriculture, located at pages 37 - 38; the text is amended as follows:

AGRICULTURE

A. GOALS

- A.1 A City which prevents the premature elimination of agricultural lands and preserves said lands wherever possible.
- A.2 A City which supports agriculture while planning for possible transition to urban uses.
- A.3 *A City which recognizes the importance of, and effectively plans for, continued coastal agricultural production adjacent to Agua Hedionda Lagoon including, but not limited to, conserving contiguous parcels with the flower fields.*

B. OBJECTIVES

- B.1 To permit agricultural land uses throughout the City.
- B.2 To conserve the largest possible amount of undeveloped land suitable for agricultural purposes, through the willing compliance of affected parties; *or the establishment of special City programs designed to ensure that coastal agricultural production is maintained.*

-
- B.3 To develop measures to ensure the compatibility of agricultural production and adjacent land uses.
- 3.13 The LAND USE ELEMENT of the Carlsbad General Plan, Part III, GOALS, OBJECTIVES AND IMPLEMENTATION POLICIES AND ACTION PROGRAMS, Agriculture, Section C, Implementing Policies and Action Programs, located on page 38; the text is amended by retaining the text of Paragraphs C.1, C.2, C.3, C.5, and C.6 in their entirety, and amending paragraph C.4 as follows, and adding two new paragraphs C.7 and C.8 as follows:
- C.4 ~~Attempt to preserve~~ *Conserve by whatever means practicable* the flower fields or lands east of I-5 to the first ridge line between Cannon Road and Palomar Airport Road, *and contiguous connections to agricultural lands to the north located on the south shore of Agua Hedionda Lagoon that run easterly from I-5 along Cannon Road* through whatever method created and most advantageous to the City of Carlsbad.
- C.7 *Actively pursue all practicable methods or modes of conservation of contiguous coastal agricultural lands with the flower fields identified above in paragraph C.4 to ensure such coastal agricultural production on the south shore of Agua Hedionda Lagoon continues, and to conserve these lands currently in agricultural production to retain their agricultural uses into the long-term by whatever means practicable.*
- C.8 *Continuation of coastal agricultural production along the south shore of Agua Hedionda Lagoon and forming as contiguous as possible a connection with the flower fields is a priority for agricultural conservation within the Land Use Element and Open Space & Conservation Element of the City of Carlsbad General Plan. The following areas as identified by assessor parcel numbers (APN's) shall be included as open space for coastal agricultural production deserving of special resource protections by the City: APN 211-023-13; APN 211-023-11; APN 211-022-21; APN 211-010-24; APN 211-010-05; APN 211-010-31; APN 211-010-28, as is further identified graphically on Exhibits A-D. All maps, charts and graphs shall be amended by the City to reflect their inclusion as such.*
- 3.14 The LAND USE ELEMENT of the Carlsbad General Plan, Part II. DESCRIPTION OF THE LAND USE, Map 2: General Plan Land Use Map, located on pages 7-8 is amended to include an area of land of approximately 45 acres abutting Interstate 5 on the east, Agua Hedionda Lagoon on the north and Cannon Road on the south to be added as Open Space from Travel/Recreation Commercial Use (T-R) to the map as shown through Exhibits A and B as Open Space and coastal agricultural lands and as identified by assessor parcel numbers (APN's) in Sections 3.6 and 3.11 of this Initiative.

- 3.15 The LAND USE ELEMENT of the Carlsbad General Plan, Part IV. Glossary, located at page 41; the text is amended by adding a definition of Coastal Agriculture to the definitions contained therein and the text is amended as follows:

COASTAL AGRICULTURE

Lands located within the coastal zone of the City that support production of agricultural products.

Section 4. IMPLEMENTATION.

- 4.1 **Effective Date.** Upon the effective date of this initiative, the provisions of this initiative are hereby inserted into the City of Carlsbad General Plan as an amendment thereof, except that if the amendments of the mandatory elements of the general plan permitted by State law for any given calendar year have already been utilized in the calendar year in which the initiative becomes effective, this general plan amendment shall be the first amendment inserted in the City's General Plan on January 1 of the next year. At such time as this general plan amendment is inserted in the City of Carlsbad General Plan, any provisions of the City Zoning Ordinance, as reflected in the ordinance itself or the City Zoning Map, inconsistent with this general plan amendment shall not be enforced.
- 4.2 **Interim Amendments.** The City of Carlsbad General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Elections Official (December 19, 2005 "submittal date"), and that General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Carlsbad remains an integrated, internally consistent and compatible statement of policies for the City as required by State law and to ensure that the actions of the voters in enacting this initiative are given effect, any provision of the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this initiative and other elements of the City's General Plan.
- 4.3 **Other City Ordinances and Policies.** The City of Carlsbad is hereby authorized and directed to amend the General Plan, sub-plans, community plans, specific plans, zoning ordinance, and other ordinances and policies and/or plans affected by this initiative as soon as possible and in the manner and time required by any applicable State law to ensure consistency between the policies adopted in this initiative and other elements of the City's General Plan, zoning ordinance, and other City ordinances, policies and/or plans as may be the case.

Section 5. EXEMPTIONS AND EXCEPTIONS FOR CERTAIN MATTERS.

- 5.1 This initiative shall be subject to amendment by the City Council without the required vote of the People of Carlsbad upon a showing of substantial evidence on the record that implementation or operation of this initiative will frustrate City functions in any of the following circumstances:

- (a.) To affect City compliance with any State mandated programs, including but not limited to: housing requirements; density bonuses; development agreements; certified redevelopment plans; vesting tentative maps; or other matters otherwise required by State law;
- (b.) To deprive any person, organization or entity of their Constitutional rights, including property rights, and no takings shall be allowed through the construction or implementation of this initiative;
- (c.) To affect any development project that has obtained as of the effective date of the initiative a vested right pursuant to State or local law.

Upon such a showing the City Council may amend this Initiative in manner that most narrowly construes the City's compliance obligations, or liability, as the case may be, yet at the same time balances the broadest possible construction and implementation of the intentions of this Initiative. Any such amendments allowable to the City Council shall not impair the right of the People of Carlsbad to subsequently seek a Referendum overturning such actions if they so choose.

- 5.2 The City, through its City Council may amend this initiative without a vote of the People to engage in any agricultural conservation act consistent with the intentions of this initiative, including, but not limited to, Williamson Act activities or the creation of, or implementation of, any other City sponsored agricultural program or activity designed to enhance, promote, or conserve agricultural opportunities within the City and specifically within the coastal agricultural areas established by this initiative.

Section 6. SEVERABILITY AND INTERPRETATION.

- 6.1 This measure shall be interpreted so as to be consistent with all federal and state and municipal laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters and People of Carlsbad hereby declare that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative. It is the intent of the voters and People of Carlsbad that the provisions of this measure shall be interpreted by

the City and any courts of competent jurisdiction in a manner that facilitates the protection of the resources described herein.

Section 7. AMENDMENT OR REPEAL.

- 7.1 Except as otherwise provided herein, the implementation and operation of this initiative may only be amended or repealed by a majority vote of the registered voters of the City of Carlsbad.

Section 8. COMPETING MEASURES.

- 8.1 In the event there are competing measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, then both measures shall go into effect except to the extent that particular provisions of one initiative are in direct, irreconcilable conflict with particular provisions of another initiative. In that event, as to those conflicting provisions, only the provisions of the initiative receiving the most votes shall prevail.

Exhibit List

Exhibit A: Existing Official City of Carlsbad Official Open Space & Conservation Map
Exhibit B: Amended Official City of Carlsbad Official Open Space & Conservation Map
Exhibit C: Existing City of Carlsbad General Plan Land Use Map.
Exhibit D: Amended City of Carlsbad General Plan Land Use Map.

CITY OF CARLSBAD

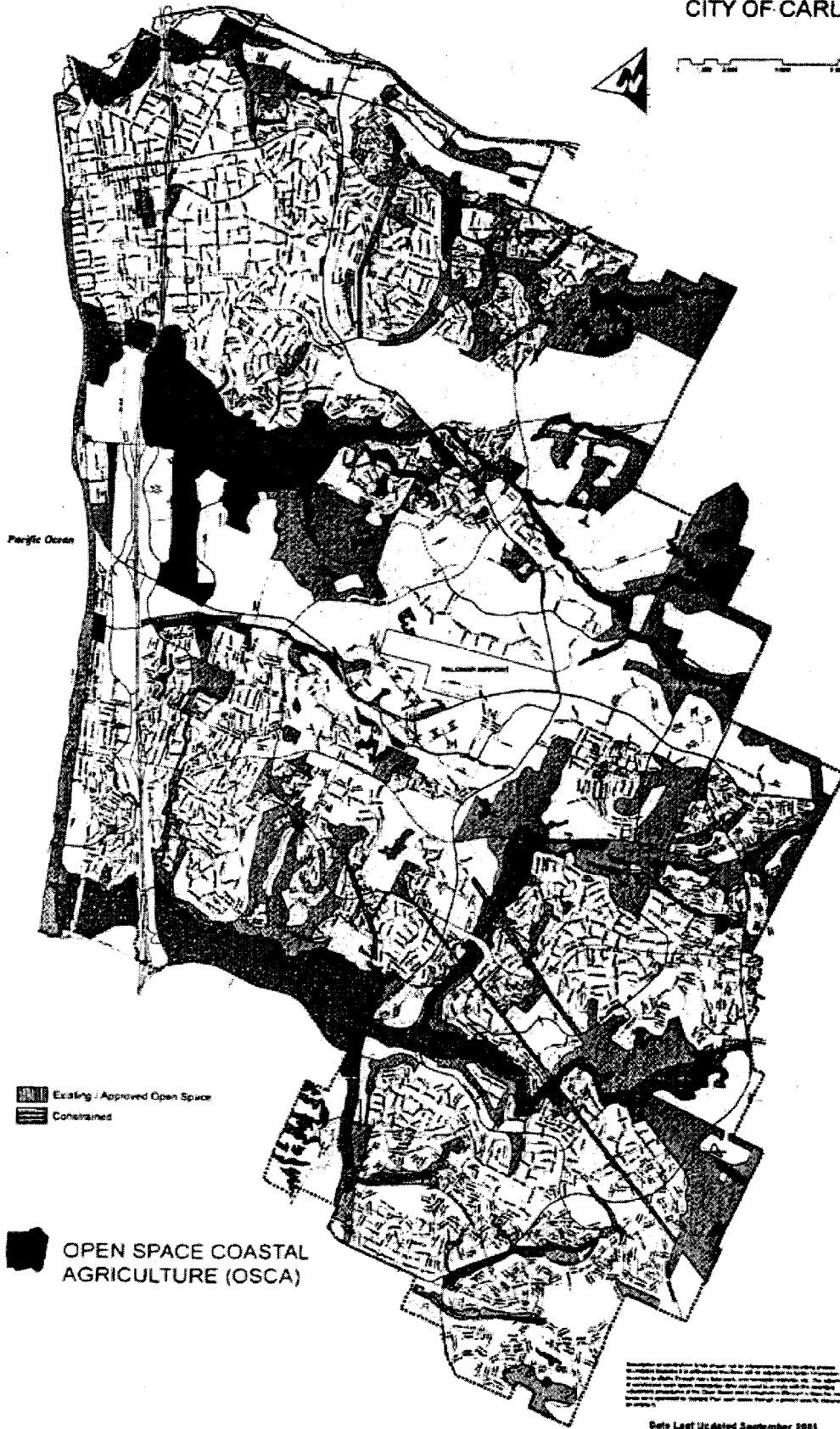


CITY OF CARLSBAD



OFFICIAL OPEN SPACE & CONSERVATION MAP

CITY OF CARLSBAD

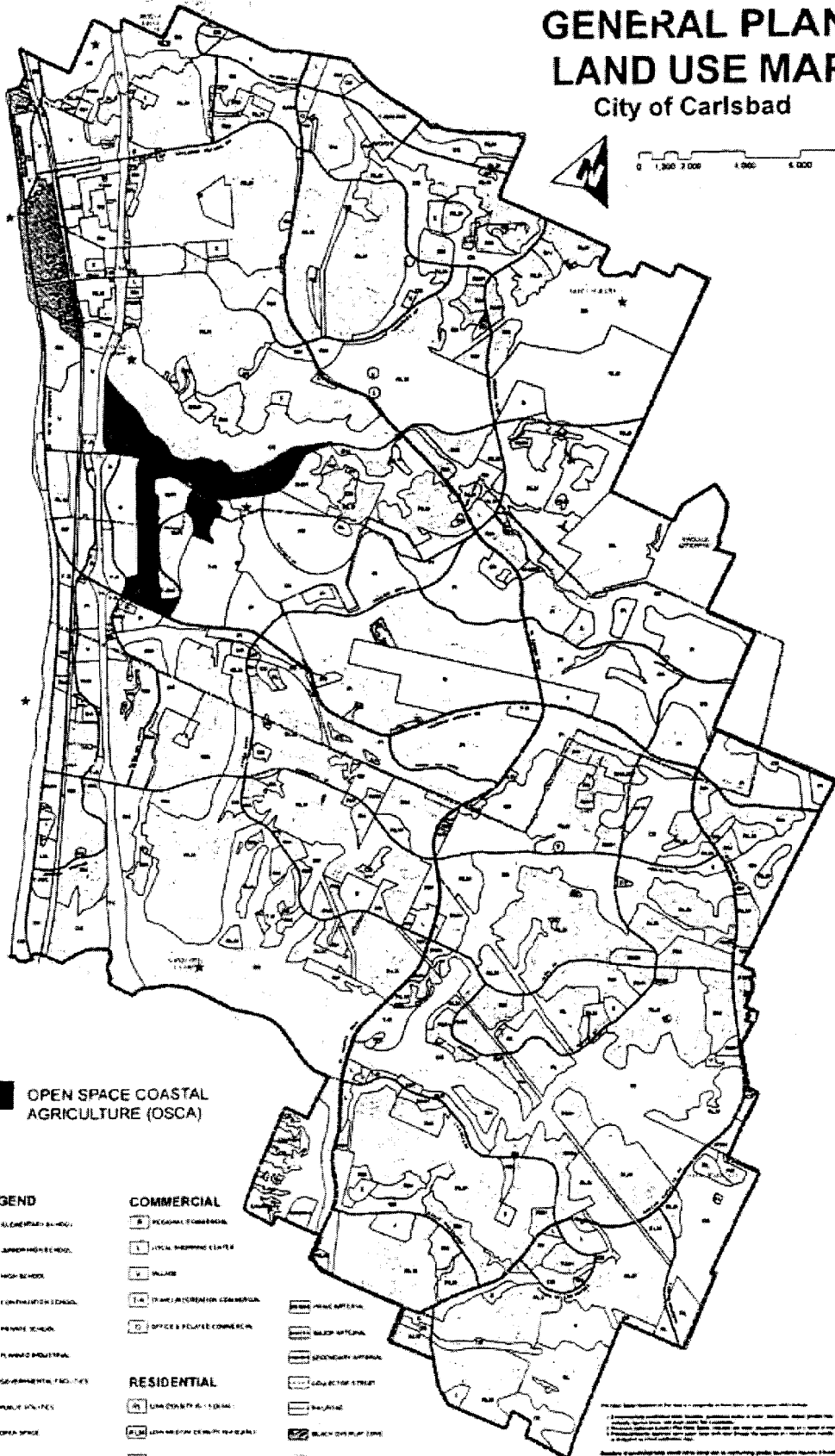


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GENERAL PLAN LAND USE MAP City of Carlsbad



0 1,000 2,000 4,000 6,000 8,000 Feet



OPEN SPACE COASTAL AGRICULTURE (OSCA)

LEGEND

- [A] ELEMENTARY SCHOOL
- [J] JUNIOR HIGH SCHOOL
- [H] HIGH SCHOOL
- [CE] COMMUNITY CENTER
- [P] PRIVATE SCHOOL
- [I] PLANNED INDUSTRIAL
- [G] GOVERNMENTAL FACILITIES
- [V] PUBLIC UTILITIES
- [OS] OPEN SPACE
- [LA] LOW DENSITY RESIDENTIAL
- [TC] TRANSPORTATION CORRIDOR
- [ST] FUTURE FACILITIES

COMMERCIAL

- [PC] REGIONAL COMMERCIAL
- [LC] LOCAL SHOPPING CENTER
- [P] PALACE
- [TA] TRAVEL INFORMATION COMMERCE
- [OC] OFFICE & POLICE COMMERCE

RESIDENTIAL

- [LD] LOW DENSITY RESIDENTIAL
- [MD] MEDIUM DENSITY RESIDENTIAL
- [HD] HIGH DENSITY RESIDENTIAL
- [RD] RESIDENTIAL DEVELOPMENT
- [RD] RESIDENTIAL DEVELOPMENT
- [RD] RESIDENTIAL DEVELOPMENT

- [MA] MAJOR ARTERIAL
- [SA] SUBURBAN ARTERIAL
- [SC] SPECIAL COMMERCIAL
- [CS] COLLECTOR STREET
- [BL] BLACK OIL PIPELINE
- [CO] COASTAL CORRIDOR
- [AP] AIRPORT
- [SR] SPECIAL RESERVE AREA

This map is a general representation of the City of Carlsbad's General Plan. It is not a legal document and should not be used for legal purposes. The City of Carlsbad is not responsible for any errors or omissions in this map. The City of Carlsbad is not responsible for any damages or losses resulting from the use of this map. The City of Carlsbad is not responsible for any claims or liabilities resulting from the use of this map. The City of Carlsbad is not responsible for any claims or liabilities resulting from the use of this map.

EXHIBIT D

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January 3, 2006

TO: CITY CLERK

FROM: CITY ATTORNEY

Attached to this memorandum, please find the City Attorney's Title and Summary of the proposed Initiative submitted by your office under the memorandum of December 19, 2005.

Should you have any questions please do not hesitate to contact me.

A handwritten signature in black ink, consisting of a large, stylized capital 'R' followed by a smaller, cursive 'B'.

RONALD. R. BALL
City Attorney

rn
attachment

General Plan Amendment Initiative to be Submitted
Directly to the Voters

The City Attorney has prepared the following Title and Summary of the chief purpose and points of the proposed measure.

Summary:

This proposed General Plan Initiative Amendment amends the Carlsbad General Plan to establish a coastal agriculture designation for lands located within the Coastal Zone of the City that support the production of agricultural products. The initiative contains eight sections:

Section One:

Titles the Initiative as the "Save the Strawberry and Flower Growing Fields Act of 2006".

Section Two:

States the purpose and findings.

Section Three:

Amends the vision, introduction, land use, open space and conservation elements of the Carlsbad General Plan to:

- 1) Add the designation of Coastal Agriculture, which is defined as lands located within the Coastal Zone of the City that support production of agricultural products.
- 2) Eliminate the concept of potential development and the recognition that Carlsbad is an urbanizing city and instead establishes coastal agricultural areas adjacent to the Agua Hedionda Lagoon.
- 3) Add approximately 45 acres east of Interstate 5 between Agua Hedionda Lagoon and Cannon Road to the Coastal Agriculture designation.
- 4) Eliminate the presumption that agricultural policies are intended to support agriculture activities while planning for possible future transition to more urban uses and instead establishes coastal agriculture in the vicinity of Agua Hedionda Lagoon and its connection with the Flower Fields as deserving of special conservation measures and continued coastal agricultural production.
- 5) Identify the areas subject to the initiative by exhibit.
- 6) Eliminate the potential for industrial scale utility functions within the 640-acre utility corridor owned by San Diego Gas and Electric for the Encina Power Plant and restricts uses to only existing utility transmission corridors, coastal agricultural production and open space.
- 7) Conserve and insure coastal agricultural production by whatever means practicable and re-designates approximately 45 acres described above from travel/recreational commercial use to open space and coastal agricultural land.

Section Four:

The effective date is the date of the adoption of the Amendment by the voters or January 1 of the year following adoption by the voters and prohibits inconsistent amendments after December 19, 2005, the date that it was submitted to the City Clerk and directs the City to amend the General Plan, Sub-Plans, Community Plans, Specific Plans, Zoning Ordinances to make them consistent with this Initiative.

Section Five:

Permits amendment of this Initiative by the City Council without a vote of the people in certain circumstances to comply with any state mandated programs, that results in a violation of the Constitutional Rights of any person or entity or to disturb a vested right under state or local law.

Section Six:

If parts of the Initiative are declared invalid by a court, the remainder of the Initiative is valid.

Section Seven:

Except as provided in the Initiative itself, it may not be amended unless by a majority vote.

Section Eight:

If there are competing measures on the same ballot then only those irreconcilable conflicting provisions, which receive the highest number votes shall go into effect.

CITY OF CARLSBAD - AGENDA BILL

AB# _____ MTG. <u>5/16/06</u> DEPT. <u>CA</u>	TITLE: DRAFT CITY BALLOT MEASURE "THE FLOWER FIELDS, STRAWBERRY FIELDS, OPEN SPACE AND PUBLIC TRAILS PROTECTION ACT OF 2006"	DEPT. HD. _____ CITY ATTY. <u>[Signature]</u> CITY MGR <u>[Signature]</u>
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RECOMMENDED ACTION:

That the City Council discuss, review and make appropriate changes to the draft City Ballot Measure regarding the flower fields and strawberry fields area of the City entitled "The Flower Fields, Strawberry Fields, Open Space And Public Trails Protection Act Of 2006" and refer to the Citizen's Committee.

ITEM EXPLANATION:

At a City Council workshop held on April 5, 2006, the Council requested the drafting of a proposed city ballot measure regarding the Flower and Strawberry Fields area of the City. The draft was to be prepared to reflect the outline of the ballot measure discussed by the Council at the workshop meeting. Attached as Exhibit 1 to this agenda bill is the draft measure. Also attached as Exhibit 2 is a copy of the outline of the measure from the workshop. The Council should review the draft to make sure it reflects the outline and that it meets Council's intentions regarding this matter.

The draft of the ballot measure will be used for two purposes at this time: (1) to initiate the environmental review process for the measure required by the California Environmental Quality Act (CEQA); and (2) to forward the draft to the recently established Citizen's Committee to Study the Flower and Strawberry Fields Area for its review in conjunction with the other two initiatives regarding this area. The Council is not being requested to formally approve or adopt the draft measure at this time but only to accept it as a draft for the above-stated purposes. Once the environmental review is complete and the Citizen's Committee has completed its charge, the proposed measure will be returned to the Council at a regular meeting for formal consideration. Formal consideration will include adopting the CEQA document, requesting the measure to be placed on the ballot in a consolidated election, authorizing the City Attorney to prepare an impartial analysis, accepting reports prepared pursuant to Elections Code section 9212, and authorizing ballot arguments, if any.

ENVIRONMENTAL REVIEW:

A city-proposed ballot measure is required to undergo environmental review pursuant to CEQA. Staff is presently initiating this review which will be required to undergo a 45-day public review process.

FISCAL IMPACT:

There are no fiscal impacts associated with the Council reviewing the draft ballot measure at this time. The fiscal impacts of the measure will be analyzed as part of the Election Code section 9212 report and presented to the City Council when the measure is returned for formal consideration.

EXHIBITS:

1. Draft City Ballot Measure entitled "The Flower Fields, Strawberry Fields, Open Space And Public Trails Protection Act Of 2006"
2. Outline of measure reviewed by Council on April 5, 2006

COUNCIL ACTION:

**The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act
of 2006**

The People of the City of Carlsbad do hereby enact and ordain:

1. Section 1. TITLE

- 1.1** This measure shall be known and may be cited as the **"The Flower Fields, Strawberry Fields, Open Space and Public Trails Protection Act of 2006"**.

2. Section 2. PURPOSE, LOCATION AND FINDINGS

- 2.1 Purpose.** The purpose of this measure is to ensure that the Flower Fields and Strawberry Fields area located along the Cannon Road corridor east of the Interstate 5 freeway is preserved in open space and that farming is allowed to continue as long as it is viable. The purpose is also to allow public use, access and community gathering places to occur in the area in a manner that will not adversely impact farming and the unique open space and environmental resources located in the area. This measure is intended to create a sustainable area that balances social, economic and environmental values important to the community. This measure amends the General Plan which contains the vision for the future of the City, the Zoning Ordinance and the City's Local Coastal Program to designate the area for special planning consideration and to establish the regulatory mechanisms to ensure that the area is retained in open space, that farming is allowed to continue and that public access is provided to the area.

- 2.2 Location and Description of the Area Affected by Measure.** The area affected by this measure is shown on Exhibit A provided herein. It contains approximately 355 acres of land located in the central portion of the City along Cannon Road east of the Interstate 5 freeway. The area presently consists primarily of open space and farming operations and contains the existing Flower Fields located south of Cannon Road and the area generally known as the Strawberry Fields located on the north side of Cannon Road adjacent to Interstate 5 and the south shore of the Agua Hedionda Lagoon. The City presently leases a portion of the Strawberry Fields area (approximately 91 acres) on the north side of Cannon Road (generally known as Hub Park) which was leased for potential future, public park uses. The most easterly end of the area on the north side of Cannon Road contains environmentally-sensitive, natural vegetation that is identified in the City's Habitat Management Plan as part of a proposed habitat preserve system. For purposes of this measure, the area shall herein be identified as "The Cannon Road Open Space, Farming and Public Use Corridor" and has been divided into five sub-areas as shown on Exhibit A. Sub-area A is located at the northeast corner of Cannon Road and the Interstate 5 freeway. It is presently farmed but is also presently designated in the General Plan for T-R (Travel/Recreation Commercial) uses and zoned P-U (Public Utility) uses. Sub-area B is the remainder of the area located on the north side of Cannon Road adjacent to Agua Hedionda Lagoon. This sub-area contains existing farming

operations, the portion of the area leased by the City, powerline easements and some environmentally-sensitive habitat restricted by an open space easement. This sub-area is presently designated for Open Space in the General Plan, however except for a small portion, it is presently zoned P-U (Public Utility) that allows uses such as energy production facilities. Sub-area C is the existing Flower Fields that are presently protected as Open Space as part of the previous approval of the Carlsbad Ranch/Legoland project. Sub-areas D and E are existing open space lots located on the south side of Cannon Road that were originally planned to be part of a larger golf course that was never developed.

2.3 Findings. The People of the City of Carlsbad find and declare that the subject area affected by this measure is currently regulated by City policy and established land use documents including the City of Carlsbad General Plan, the City Zoning Ordinance, the Carlsbad Habitat Management Plan (Sub-areas A and B), the Agua Hedionda Land Use Plan (Sub-areas A and B), the Mello II Local Coastal Plan (Sub-areas C, D and E), the South Carlsbad Coastal Redevelopment Plan (Sub-area A), the Carlsbad Ranch Specific Plan (Sub-areas C, D and E) and the City's Growth Management Plan. The People of the City of Carlsbad desire these land use documents and City policies to be amended to (1) ensure that this area is permanently protected and preserved for open space uses; (2) allow the farming operations in the area such as the Strawberry Fields to continue; (3) enhance the existing protections of the Flower Fields; (4) provide for the protection of environmental resources in the area including compliance with the City's Habitat Management Plan; (5) incorporate public trails, pedestrian accessibility and other complementary and compatible public uses into the area and (6) prohibit residential, industrial and commercial land uses.

3. Section 3. GENERAL PLAN AMENDMENTS

The Carlsbad General Plan is hereby amended as set forth in this Section.

3.1 The Land Use Element at page 27, Section II (D) is hereby amended to add a new Land Use Element Section II (D) (8) to read as follows:

8. The Cannon Road Open Space, Farming and Public Use Corridor

The area along the Cannon Road corridor east of the Interstate 5 freeway presently consist primarily of open space and existing farming operations including the Flower Fields located to the south of Cannon Road and the existing Strawberry Fields located to the north of Cannon Road. The open space areas on the north side of Cannon Road provide spectacular views of the Agua Hedionda Lagoon and contain environmentally-sensitive natural habitat areas that need to be permanently protected.

The existing Flower Fields and the Strawberry Fields as open space uses provide for productive use of portions of the area that enhance the cultural heritage and history of the City. Although the Flower Fields are already protected and restricted to agricultural use by the conditions of approval of the Carlsbad Ranch/Legoland project, the City

shall utilize all existing programs and land use protections and explore other possible new mechanisms to keep the Flower Fields in production. The City shall also ensure that other farming uses such as the existing Strawberry Fields are allowed to continue as long as it is economically viable for the farmer to do so.

The area is recognized for its significant open space opportunities, however, the area lacks adequate public access and public use areas so that the community can enjoy the open space opportunities provided in this area to their fullest potential. An interconnecting public trail through the area preferably linking the south shore of Agua Hedionda Lagoon with the existing Flower Fields could greatly enhance public access in the area. In addition, passive park and recreation uses that allow public gathering spaces and are compatible with other open space uses could offer opportunities for more community use and enjoyment of the area.

Residential use is not appropriate for the area. Commercial and industrial-type uses other than those normally associated with farming operations are also not appropriate.

The Cannon Road Open Space, Farming and Public Use Corridor presents a unique opportunity for the City to create a sustainable, community-oriented open space area that balances social, economic and environmental values important to the community.

- 3.2** The Land Use Element at pages 37 and 38, Agriculture-C. Implementing Policies and Action Programs is hereby amended by deleting existing C.3 and replacing it with a new C.3 to read as follows:

C.3 The City shall utilize all existing programs and land use protections and explore possible new grant programs and other outside financial assistance to keep the existing Flower Fields in permanent farming and flower production.

- 3.3** The Land Use Element at page 40, Section III; Goals, Objectives and Implementing Policies and Action Programs, is hereby amended to add a new section entitled Special Planning Considerations-The Cannon Road Open Space, Farming and Public Use Corridor to provide as follows:

SPECIAL PLANNING CONSIDERATIONS-THE CANNON ROAD OPEN SPACE, FARMING AND PUBLIC USE CORRIDOR

A. Goal

Create a unique, community-oriented open space area along the Cannon Road corridor located immediately to the east of the Interstate 5 freeway including the existing Flower Fields and Strawberry Fields.

B. Objectives

B.1 To ensure that this area is permanently protected and preserved for open space uses.

B.2 To enhance the protection of the existing Flower Fields.

B.3 To allow the farming operations in the area such as the existing Strawberry Fields to continue.

B.4 To provide for the protection and preservation of environmental resources in the area.

B.5 To increase public access to the area primarily through the incorporation of public trails and passive recreation.

C. Implementing Policies and Action Programs

C.1 Protect and preserve this area as an open space corridor. Permit only open space, farming and compatible public uses in the area. Permitted uses shall be as follows:

(1) Open Space

(2) Farming and other related agricultural uses including flower and strawberry production

(3) Public trails

(4) Passive park and public recreation facilities (except on the existing Flower Fields)

(5) A civic center if specifically approved by a majority vote at an election for such purpose (except on the existing Flower Fields).

C.2 Prohibit residential development in the area.

C.3 Prohibit commercial and industrial-type uses in the area other than those normally associated with farming operations.

C.4 Enhance public access and public use in the area by allowing compatible public trails, community gathering spaces and passive park and recreation uses.

C.5 Allow farming to continue in the area for as long as viable.

C.6 Utilize all existing programs and land use protections and explore possible new mechanisms to keep the existing Flower Fields in production.

C.7 If determined to be necessary, the City shall amend the Zoning Ordinance and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone to apply to the area that would provide more detail on permitted uses and land use regulations applicable to the area.

3.4 The General Plan Land Use Map contained in the Land Use Element at page 7 shall be amended to change the land use designation of Sub-area A as shown on Exhibit A provided herein from T-R (Travel/Recreation Commercial) to OS (Open Space).

3.5 The Open and Conservation Maps contained in the Open Space and Conservation Element at pages 35 and 36 shall be amended to show Sub-area A as shown on Exhibit A provided herein as Existing/Approved Open Space.

4. Section 4. ZONING ORDINANCE AMENDMENTS

The Carlsbad Zoning Ordinance is hereby amended as set forth in this Section.

4.1 The official Zoning Map is amended to rezone Sub-area A as shown on Exhibit A provided herein from the P-U (Public Utility) zone to the OS (Open Space) zone and to rezone all of Sub-area B not presently zoned Open Space from the P-U (Public Utility) zone to the OS (Open Space) zone.

- 4.2 The Carlsbad Ranch Specific Plan (SP 207) that regulates uses and development in Sub-areas D and E as shown on Exhibit A provided herein and also as identified as Planning Area 8a and 8b in Specific Plan 207 shall be amended to delete all references to golf course use and to make all other applicable modifications so that only the following uses will be permitted in the sub-areas: (1) Farming and other related agricultural uses including flower and strawberry production; (2) Public trails; (3) Passive park and public recreation facilities and (4) Civic center if specifically approved by a majority vote at an election for such purpose.

**5. Section 5. LOCAL COASTAL PROGRAM LAND USE PLAN
AMENDMENTS**

The Carlsbad Local Coastal Program is hereby amended as set forth in this Section and the City Council shall submit these amendments to the California Coastal Commission for approval.

- 5.1 The Land Use Map of the Local Coastal Program Agua Hedionda Segment Land Use Plan is hereby amended to change the land use designation of Sub-area A as shown on Exhibit A provided herein from TS (Travel Services Commercial) to OS (Open Space).
- 5.2 The Agua Hedionda Land Use Plan is hereby amended to delete all references, policies and other provisions relating to Sub-area A and B as shown on Exhibit A provided herein that conflict with the provisions of Section 3.1 and 3.3 of this measure. The conflicting provisions shall be replaced with the applicable provisions of Section 3.1 and 3.3 of this measure.
- 5.3 The Local Coastal Program Mello II Segment Land Use Plan is hereby amended to delete all references, policies and other provisions relating to the Carlsbad Ranch, Planning Area 8a and 8b shown as Sub-areas D and E on Exhibit A provided herein that conflict with the provisions of Section 4.2 of this measure. The conflicting provisions shall be replaced with the applicable provisions of Section 4.2 of this measure.

**6. Section 6. AUTHORIZATION TO EXPEND CITY FUNDS FOR PUBLIC
TRAILS**

- 6.1 The City Council is hereby authorized to spend city funds from various sources including the General Fund in the amount that may exceed \$1 million to develop public trails in the area identified in this measure as "The Cannon Road Open Space, Farming and Public Use Corridor". To the maximum extent feasible, the trails shall be interconnected throughout the area and shall provide a pedestrian link along the south shore of Agua Hedionda Lagoon and a connection between the south shore of the lagoon and the existing Flower Fields.

7. Section 7. IMPLEMENTATION

- 7.1 Effective Date.** This measure shall become effective upon passage by the voters in accordance with Elections Code 9217. With respect to the General Plan Amendments contained in Section 3 of this measure, if the number of General Plan Amendments in the calendar year as permitted by California Government Code Section 65358 have already been utilized, the Amendments to the General Plan enacted by this measure shall be the first amendment and shall become effective on January 1 of the next year following passage. With respect to the Local Coastal Program Amendments contained in Section 5 of this measure, the City shall submit the amendments to the California State Coastal Commission upon passage of this measure and they shall not become effective until approved by the Coastal Commission.

Upon the effective date of this measure, all entitlements (whether discretionary or ministerial) not yet issued or project approvals not yet approved, shall not be issued or approved unless they are consistent with all provisions of this measure.

The Carlsbad General Plan, Zoning Ordinance and Local Coastal Program presently in effect and as amended by this measure comprise an integrated, internally consistent and compatible statement of policies and land use regulations for the City. In order to ensure that these documents remain an integrated, internally consistent and compatible statement of policies and regulations for the City as required by State law and to ensure that the actions of the voters in enacting this measure are given full effect, any amendment to the Carlsbad General Plan, the Zoning Ordinance or the Local Coastal Program that is adopted prior to the effective date of this measure and that is inconsistent with any provision of this measure is hereby repealed.

- 7.2 Interpretation And Authority To Amend Other City Ordinances, Codes And Policies.** This measure shall be interpreted so as to be consistent with all federal and state laws. It shall also be broadly interpreted and construed in order to achieve the purposes and findings stated in the measure. The City is hereby authorized to make any other amendments to the General Plan, the Zoning Ordinance, the Local Coastal Program or any other plans, policies or ordinances necessary to fully implement the provisions of this measure and to ensure consistency between the provisions of this measure and all other elements of the General Plan, the Zoning Ordinance, the Local Coastal Program and any other plans, policies or ordinances. If deemed necessary, the City is authorized to amend the Zoning Ordinance to create and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone which would then be applied to the area affected by this measure. The Overlay Zone could provide more detail on permitted uses and regulations applicable to the area.
- 7.3 City Council Authority To Amend Measure If Taking Of Private Property Rights Occurs.** This measure shall be subject to amendment by the City Council without a subsequent vote of the People of Carlsbad if any portion or provision of this measure is determined to be any taking of private property rights or an inverse

condemnation of property by a final judgment of a court of competent jurisdiction, other judicially approved process, or other alternative dispute-resolution process. Such determination shall not affect the uncontested, remaining portions or provisions of this measure and the measure shall be amended in a manner that most narrowly construes the City's compliance obligations while at the same time retaining the broadest possible construction and implementation of this measure.

7.4 Severability. If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, part, or portions, or the application thereof, are declared invalid or unconstitutional.

7.5 Conflicting Ballot Measures. This measure is inconsistent with and intended as an alternative to any other initiative(s) or measure(s) placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative(s) or measure(s) addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such initiative(s) or measure(s), then this measure shall prevail and control in its entirety and said other initiative(s) or measure(s) shall be rendered void and without any legal effect.

Exhibit List

Exhibit A-Aerial Photo Map showing boundaries of Area and Sub-areas affected by this measure



Exhibit A
The Cannon Road Open Space, Farming and Public Use Corridor
City of Carlsbad

0 1,000 Feet



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D. Maps Showing the Boundaries of Initiative and City Ballot Measure

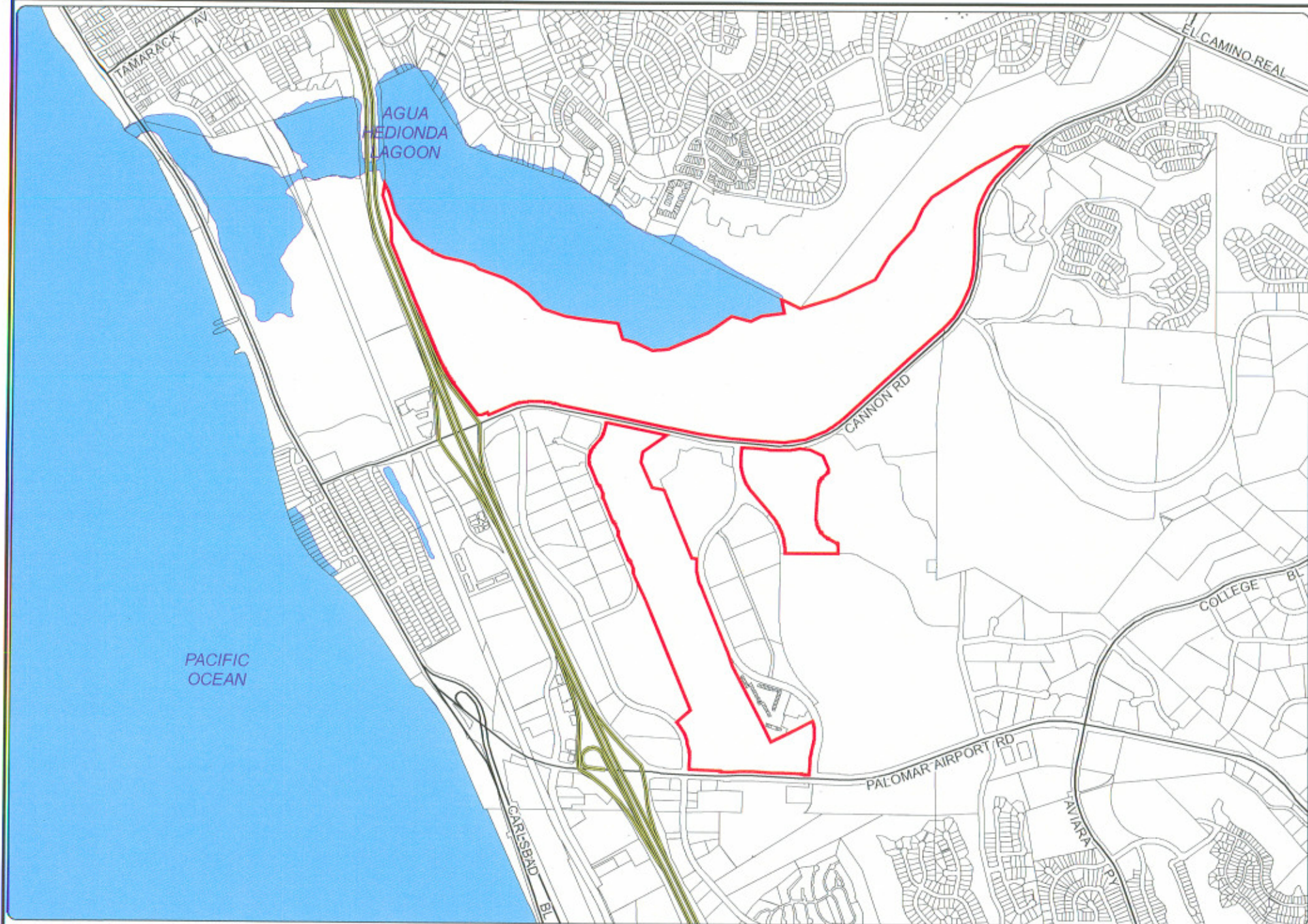


Exhibit 1
SAVE THE STRAWBERRY & FLOWER GROWING FIELDS ACT OF 2006
City of Carlsbad

0 1,000 Feet



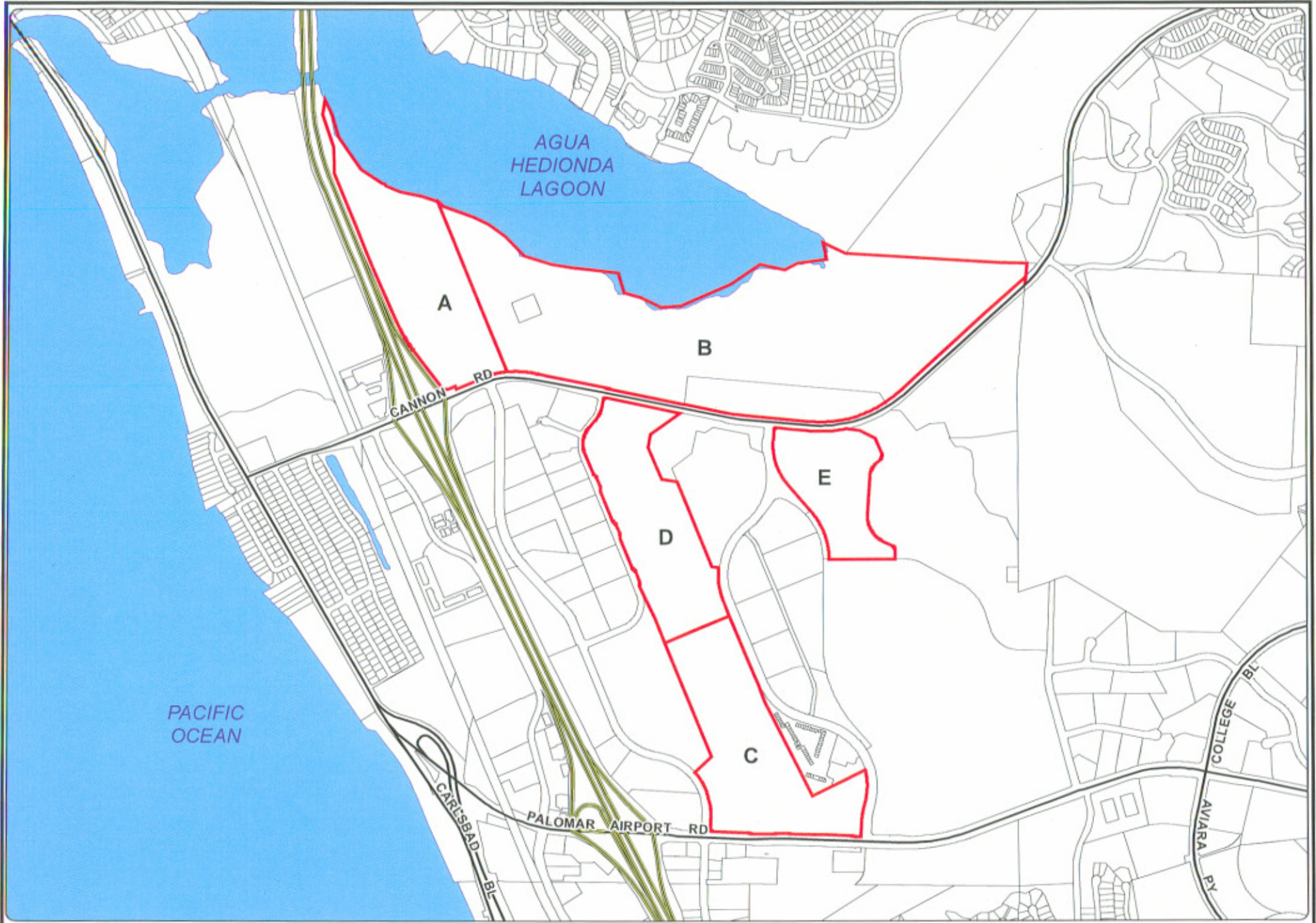


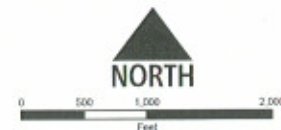
Exhibit 4
CITY BALLOT MEASURE
City of Carlsbad



E. Maps Showing Existing
General Plan and Zoning
Designations and a Summary
of the Zoning Designations



Exclusive Agricultural	Residential Mobile Home Park	General & Neighborhood Commercial	Village Redevelopment
Residential Agricultural	Residential Density - Multiple	Office	Planned Community
Rural Residential Estate	Residential Professional	Heavy & Tourist Commercial	Limited Control
One - Family Residential	Residential Tourist	Industrial	Open Space
Two - Family Residential	Residential Waterway	Planned Industrial	Multiple Designations
Multiple - Family Residential	Transportation Corridor	Public Utility	





CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

ZONE		PERMITTED USES	DEVELOPMENT STANDARDS								
			LOT (minimums)			SETBACKS or YARDS (minimums)**				BUILDING (maximums)	
			Area	Width	Depth	Front	Side	Rear	Height	Coverage	
AGRICULTURE	E-A Exclusive Agriculture, Chapter 21.07	Agriculture. Allows single-family homes as accessory uses only	10 acres (a)	300 ft	(b)	40 ft	15 ft	25 ft	30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	40% (c)	
	R-A Residential Agriculture, Chapter 21.08	Agriculture, poultry, animals, and single-family homes	7,500 sf (a)	60 to 80 ft (d)	(b)	20 ft (e)	Interior: 10% of lot width (e), (f) Street: 10 ft	Equal to twice the required side setback	30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	40% (c)	
	R-E Rural Residential Estate, Chapter 21.09	Single-family estates and agriculture	1-4 acres (g)	100 ft	(b)	70 ft (e)	Interior: 15 ft Street: 50 ft (e)		35 ft	20% (b)	
RESIDENTIAL	R-1 Single-family Residential, Chapter 21.10	Single-family homes, agriculture, and in limited cases, duplexes	7,500 sf (a)	60 to 80 ft (d)	(b)	20 ft (e)	Interior: 10% of lot width (e), (f) Street: 10 ft	Equal to twice the required side setback	30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	40% (c)	
	R-2 Two-family Residential, Chapter 21.12	Duplexes, R-1 uses (except farm animals), and, in limited cases, tri- and four plexes			(b)					50%	
	R-3 Multiple-family Residential, Chapter 21.16	Multi-family dwellings, R-2 uses and, in limited cases, public parking lots	60 ft	(b)	20 ft (e)	Interior: 10% of lot width (f) Street: 10 ft	35 ft		60%		
	RD-M Residential Density-Multiple, Chapter 21.24	All types of dwellings over a broad range of densities	7,500 or 10,000 sf (h)	60 ft	(b)	20 ft (e)			Interior: 5 ft (e) Street: 10 ft (e)	10 ft	50 or 60% (h)

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CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

DEVELOPMENT STANDARDS									
ZONE	PERMITTED USES	LOT (minimums)			SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Height	Coverage
RESIDENTIAL	R-P Residential Professional, Chapter 21.18	7,500 sf	60 to 80 ft (d)	(b)	20 ft (e)	Interior: 10% of lot width (f) Street: 10 ft	20% of lot width, but need not exceed 20 ft	35 ft	60%
	R-T Residential Tourist, Chapter 21.20	7,500 sf (i)	60 or 75 ft (i)	(b)	20 ft	Interior: 5 ft one side, 10 ft other Street: 10 ft (e)	20 ft		75% (i)
	R-W Residential Waterway, Chapter 21.22	5,000 sf	40 ft	(b)	10 ft	Interior: 5 ft Street: 8 ft	8 ft		75%
	RMHP Residential Mobile Home Park, Chapter 21.37	3,000 or 3,500 sf per mobile home site (j)	50 ft (l)	(b)	5 ft	Interior: 3 ft Street: 5 ft (l)	3 ft (i)		75% (l)
COMMERCIAL	C-1 Neighborhood Commercial, Chapter 21.26	None(k)	None	(b)	None (i)	None (i)	None (m)	35 ft/3 levels (n)	None
	C-2 General Commercial, Chapter 21.28	None(k)	None	(b)	None (i)	None	None (m)	35 ft/3 levels (n)	None
	O Office, Chapter 21.27	10,000 sf	75	(b)	(e)	(e)	(e)	35 ft/3 levels (n)	(c)

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CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							
		LOT (minimums)			SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Height	Coverage
COMMERCIAL	C-T Commercial-Tourist, Chapter 21.29	None(k)	None	(b)	None	None (m)	None (m)	35 ft/3 levels (n)	None
	C-M Heavy Commercial-Limited Industrial, Chapter 21.30	None(k)	None	(b)	None (f)	None (f)	None (m)	35 ft/3 levels (n)	None
INDUSTRIAL	M Industrial, Chapter 21.32	None(k)	None	(b)	None (f)	None (f)	None (m)	35 ft/3 levels (m)	None
	P-M Planned Industrial, Chapter 21.34	None(k)	None	(b)	(e)	Interior: 10 ft Street: (e)	20 ft	35 ft/3 levels (n)	50%
UTILITY / TRANSPORTATION	P-U Public Utility, Chapter 21.36	7,500 sf	As established by precise development plan (see Zoning Ordinance Chapter 21.36).					50%	
	T-C Transportation Corridor, Chapter 21.100	None (p)			None			None	
		Streets, trails and paths, train tracks, transit facilities, energy transmission facilities, agriculture							



CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							
		LOT (minimums)			SETBACKS or YARDS (minimums)**			BUILDING (maximums)	
		Area	Width	Depth	Front	Side	Rear	Height	Coverage
C-F Community Facilities, Chapter 21.25	Community uses, such as churches and day care centers, all by site development plan or conditional use permit	(q)	As required by a master plan or residential specific plan.			35 ft and 3 levels if roof pitch is at least 3:12 or 24 ft and 2 levels if roof pitch is less than 3:12			As required by a master plan or residential specific plan
L-C Limited Control, Chapter 21.39	Interim zone applied to future planning areas. L-C Zone permitted uses are the same as E-A Zone permitted uses	None(k)	None			None			None
P-C Planned Community, Chapter 21.38	The P-C zone is applied to large tracts of land to ensure their comprehensive and orderly planning and development. Permitted uses and development standards in the P-C zone are established by master plan.								
O-S Open Space, Chapter 21.33	Public parks and recreation uses, trails, agriculture	None (p)			None			25 ft (n)	None
V-R Village Redevelopment, Chapter 21.35	The V-R zone is applied to the downtown village area. The permitted land uses, development standards, and procedures of the V-R zone are contained in the Carlsbad Village Area Redevelopment Plan and the Carlsbad Village Redevelopment Master Plan and Design Manual.								

OTHER

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CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS								
		LOT (minimums)			SETBACKS or YARDS (minimums)**			BUILDING (maximums)		
		Area	Width	Depth	Front	Side	Rear	Height	Coverage	
OVERLAY ZONES	BAO Beach Area Overlay, Chapter 21.82	Provides standards to ensure compatible development in the beach area. Permitted uses are per the underlying zone.	Per underlying zone		Per underlying zone		Per underlying zone	30 ft and 2 stories if roof pitch is at least 3:12 or 24 ft and 2 stories if roof pitch is less than 3:12	Per underlying zone	
	CV-SO Commercial Visitor Serving Overlay, Chapter 21.208	Supplements underlying zoning. Prohibits some underlying zone uses; requires conditional use permit for all commercial/visitor serving uses.	Per underlying zone		Setbacks for properties in the CV-SO Zone are established by Zoning Ordinance Section 21.208.100 F.		Per underlying zone			
	F-P Floodplain Overlay, Chapter 21.110	Supplements underlying zoning. Provides additional regulations for development in flood or mudslide hazard areas. Requires a special use permit for such development.	Per underlying zone		Per underlying zone		Per underlying zone			
	H-O Hospital Overlay, Chapter 21.21	Hospitals and accessory uses such as medical offices and laboratories	25,000 sf	100 ft	(b)	(e)		35 ft (n)	(o)	



CITY OF CARLSBAD SUMMARY OF ZONING REQUIREMENTS*

ZONE	PERMITTED USES	DEVELOPMENT STANDARDS							
		LOT (minimums)		SETBACKS or YARDS (minimums)**			BUILDING (maximums)		Coverage
		Area	Width	Depth	Front	Side	Rear	Height	
OVERLAY ZONES	Q Qualified Development Overlay, Chapter 21.06	Supplements underlying zoning. Provides additional regulations for development on properties with unique circumstances. Generally, a site development plan is necessary for development in the "Q" Overlay.	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)
	S-P Scenic Preservation Overlay, Chapter 21.40	Supplements underlying zoning. Provides additional regulations for development in designated areas. Permitted uses per the underlying zone. Generally, a special use permit is required for development in a S-P Overlay.	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)	Per underlying zone (r)

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F. Voting Summary Matrix

Recommendations from Citizens' Committee
Meeting of July 11, 2006
(21 Voting Members Present)

I. Recommendations Regarding City Proposed Ballot Measure

		YES	NO	UNDECIDED
A.	City should go forward with the ballot measure as proposed.	0	21	0
B.	A ballot measure different than proposed should go forward.	15	3	3
C.	A ballot measure with Citizens' Committee Recommendations should go forward.	20	0	1
D.	City should not go forward with its own ballot measure and should implement the recommendations of the Citizens Committee without a proposed measure. (Removed from consideration by Committee).			
E.	For Carlsbad Ranch Specific Plan: Retain agricultural use and allow flexibility and support agricultural uses and allow active recreation uses on all Carlsbad Ranch sites (except on The Flower Fields®).	17	0	4
F.	City ballot measure should allow for affordable housing if required by the state.	2	14	5
G.	City ballot measure should affirm TR zoning of 48 acres that is currently zoned TR. Remove it from inclusion in the ballot measure.	19	0	2
H.	City ballot measure should clarify SDG&E property rights, i.e. entire property is currently zoned Public Utility not just where the power line easements are located. Any City ballot measure should not strip away Public Utility uses on the property as a whole.	13	1	7
I.	Permit passive and active recreation without altering existing Flower Fields® (Motion to adopt this approved on June 27, 2006 – 17 voting members present).	12	0	
J.	Remove trail funding amount from City ballot measure.	9	11	1
K.	Remove specific reference to a "Civic Center" in the City ballot measure.	16	5	0
L.	City ballot measure should reiterate that the City has a Growth Management Plan that applies to the surrounding areas and works well.	15	4	1
M.	City ballot measure should require that all of the property under consideration be "Master Planned".	1	19	1
N.	Allow public or private active recreation not just passive recreation.	17	3	1

II. Other Committee Recommendations to the City Council

		YES	NO	UNDECIDED
A.	City Council to draft Coastal Agricultural Zone ordinance that would define what would be allowed in such a zone.	7	13	1
B. i.	City should work to achieve General Plan/Local Coastal Program/Zoning consistency for all the properties under consideration.	18	0	3
ii.	City should conduct community outreach effort to “scope out” general plan, local coastal program, and zoning designations that would guide the City effort in (i) above.	19	0	2
iii.	City should utilize the Planned Community (PC) zone to implement the General Plan, Local Coastal Program and land use designations in the area. (Removed from consideration by Committee).			
C.	City should allow for a public “deliberation” process irrespective of results of election (different than a public “meeting” where time for comments is limited).	20	0	1
D.	City Council to initiate a comprehensive planning effort for the properties.	21	0	0

G. Workbook
(on file in the office of the
City Clerk)

EXHIBIT "2"

July 11, 2006

Honorable Mayor Lewis and City Council Members
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Ref: Citizens' Committee to Study Flower Fields area

Dear Mayor Lewis and City Council Members,

Our job is done! Today, Tuesday July 11, 2006, was the last meeting of the Citizens' Committee. During the past six weeks at times it seemed impossible for our diverse opinions and ideas to bear any fruit. But we worked hard, argued with each other, made jokes about our differences, studied the background information, reviewed the initiatives, asked for explanations from the experts, read countless documents provided to us by the City Staff week after week and meeting after meeting and finally the impossible happened. We reached consensus and the job was completed.

I want to thank you for appointing me to this Committee. I am the owner of a small business and it was a bit of sacrifice to devote time to all the reading we had to do and all the meetings we had to attend. But it was a delightful experience, a worthy cause to be involved in. I learned a great deal about the city of Carlsbad, Growth Management Plan, the Flower Field/ Strawberry growing areas, and countless other issues. My sincere thanks to you and Ms. Kulchin for giving me this opportunity.

We were told at the conclusion of our work that we can submit individual recommendations and comments to you. I have a few recommendations that I would like to bring to your attention:

- 1) I think the price tag of more than \$1,000,000.00 for the development of the Trails should be eliminated from your initiative. My understanding is that to spend an amount in the excess of \$1,000,000.00 the people's vote is necessary. So even if your initiative is approved, a separate measure will have to deal with the cost of its implementation. In its current form this price tag will put your initiative in a negative light, since the other initiative does not mention any cost associated with its implementation.

EXHIBIT "2"

- 2) The concept of a Civic Center needs to be eliminated, since it requires a separate vote of the people of Carlsbad. There has been a great deal of negative publicity about having an ocean view office for the city staff. I understand from reading your initiative that the idea is to have a center for the people of Carlsbad to gather and enjoy the beauty of the lagoon. Unfortunately it is misinterpreted and needs to be clarified in a separate ballot and in a different election.
- 3) The title of the rival initiative is very attractive, "Save the Strawberry Fields...". To convey your message more clearly to the people of Carlsbad, the title of your initiative needs to be more specific and relate to what is in danger of being hijacked by ballot-box planning. This title should reflect your desire to protect the future of Carlsbad, its natural beauty and resources. A title that will express your intention to "Protect the future of the Flower Fields, the Strawberry Growing area, and Carlsbad Tax payers," as well as protecting the tried and tested existing planning process. The words "Save" and "Protect," or other similar words, carry the same emotional pull and will create a level playing field for both initiatives.
- 4) The Citizens' Committee members are your best resources for any future workshops, round table discussions or forums you may hold to educate the citizens of Carlsbad regarding the two initiatives. These members now, thanks to the past six weeks, have a vast knowledge of the initiatives and the affected areas and a great appreciation for what is at stake. Many people will vote only on emotions and based on the eye-catching and emotionally-charged title of the "Save..." initiative. The Committee members may be able to reduce and neutralize these emotions.

Again, thank you for the opportunity. I greatly enjoyed it and learned from it.

Respectfully,

Farrah Douglas
2914 Carrillo Way
Carlsbad, CA 92009

Permanently Protect the Flower Fields, Strawberry Fields, and Open Space Act of 2006

The People of the City of Carlsbad do hereby enact and ordain:

1. Section 1. TITLE

- 1.1** This measure shall be known and may be cited as the **"Permanently Protect the Flower Fields, Strawberry Fields, and Open Space Act of 2006"**.

2. Section 2. PURPOSE, LOCATION AND FINDINGS

- 2.1 Purpose.** The purpose of this measure is to ensure that the Flower Fields and Strawberry Fields area located along the Cannon Road corridor east of the Interstate 5 freeway is preserved in open space and that farming is allowed to continue as long as it is viable. The purpose is also to allow public use, access and community gathering places to occur in the area in a manner that will not adversely impact the unique open space and environmental resources located in the area. This measure is intended to create a sustainable area that balances social, economic and environmental values important to the community. This measure amends the General Plan which contains the vision for the future of the City and the Zoning Ordinance to designate the area for special planning consideration to ensure that the area is retained in open space, that farming is allowed to continue and that public uses and access are allowed in the area.

- 2.2 Location and Description of the Area Affected by Measure.** The area affected by this measure is shown on Exhibit A provided herein. It contains approximately 307 acres of land located in the central portion of the City along Cannon Road east of the Interstate 5 freeway. The area presently consists primarily of open space and farming operations including the existing Flower Fields located south of Cannon Road and the area generally known as the Strawberry Fields located on the north side of Cannon Road adjacent to Interstate 5 and the south shore of the Agua Hedionda Lagoon. The area on the north side of Cannon Road also contains regionally-significant public utility uses including existing SDG&E electrical transmission lines. The City presently leases a portion of the Strawberry Fields area (approximately 91 acres and generally known as Hub Park) which was leased for potential future, public park uses. The most easterly end of the area on the north side of Cannon Road contains environmentally-sensitive, natural vegetation that is identified in the City's Habitat Management Plan as part of a proposed habitat preserve system. For purposes of this measure, the area shall herein be identified as "The Cannon Road Open Space, Farming and Public Use Corridor."

- 2.3 Findings.** The People of the City of Carlsbad find and declare that the subject area affected by this measure is currently regulated by City policy and established land use documents including the City of Carlsbad General Plan, the City Zoning Ordinance, the Carlsbad Habitat Management Plan, the Agua Hedionda Land Use Plan, the Mello II Local Coastal Plan and the Carlsbad Ranch Specific Plan. The City also has a comprehensive Growth Management Plan that sets limits on the amount of residential development and that requires public facilities to be provided concurrent with growth. The People of the City

EXHIBIT "3"

of Carlsbad desire the General Plan and the Zoning Ordinance be amended to (1) prohibit residential uses in the area; (2) ensure that this area is permanently protected and preserved for open space uses; (3) allow the farming operations in the area such as the Strawberry Fields and flower growing areas to continue; (4) enhance the existing protections of the Flower Fields; (5) provide for the protection of environmental resources in the area including compliance with the City's Habitat Management Plan; and (6) incorporate public trails, pedestrian accessibility, park uses, and other complementary and compatible public uses into the area.

3. Section 3. GENERAL PLAN AMENDMENTS

The Carlsbad General Plan is hereby amended as set forth in this Section.

3.1 The Land Use Element at page 27, Section II (D) is hereby amended to add a new Land Use Element Section II (D) (8) to read as follows:

8. The Cannon Road Open Space, Farming and Public Use Corridor

The area along the Cannon Road corridor east of the Interstate 5 freeway presently consist primarily of open space and existing farming operations including the Flower Fields located to the south of Cannon Road and the existing Strawberry Fields located to the north of Cannon Road. The open space areas on the north side of Cannon Road provide spectacular views of the Agua Hedionda Lagoon and contain environmentally-sensitive natural habitat areas that need to be permanently protected.

The existing Flower Fields and the Strawberry Fields as open space uses provide for productive use of portions of the area that enhance the cultural heritage and history of the City. Although the Flower Fields are already protected and restricted to agricultural use, the City shall utilize all existing programs and land use protections and explore other possible new mechanisms to keep the Flower Fields in production. The City shall also ensure that other farming uses such as the existing Strawberry Fields are allowed to continue as long as it is economically viable for the landowner to do so.

The area is recognized for its significant open space opportunities, however, the area lacks adequate public access and public use areas so that the community can enjoy the open space opportunities provided in this area to their fullest potential. An interconnecting public trail through the area preferably linking the south shore of Agua Hedionda Lagoon with the existing Flower Fields could greatly enhance public access in the area. In addition, park and recreation uses that allow public gathering spaces and are compatible with other open space uses could offer opportunities for more community use and enjoyment of the area.

Residential use is not appropriate for the area. Commercial and industrial-type uses other than those normally associated with farming operations are also not appropriate.

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The Cannon Road Open Space, Farming and Public Use Corridor presents a unique opportunity for the City to create a sustainable, community-oriented open space area that balances social, economic and environmental values important to the community.

- 3.2 The Land Use Element at pages 37 and 38, Agriculture-C. Implementing Policies and Action Programs is hereby amended by deleting existing C.3 and replacing it with a new C.3 to read as follows:

C.3 The City shall utilize all existing programs and land use protections and explore possible new grant programs and other outside financial assistance to keep the existing Flower Fields in permanent farming and flower production.

- 3.3 The Land Use Element at page 40, Section III; Goals, Objectives and Implementing Policies and Action Programs, is hereby amended to add a new section entitled Special Planning Considerations-The Cannon Road Open Space, Farming and Public Use Corridor to provide as follows:

SPECIAL PLANNING CONSIDERATIONS-THE CANNON ROAD OPEN SPACE, FARMING AND PUBLIC USE CORRIDOR

A. Goal

Create a unique, community-oriented open space area along the Cannon Road corridor located immediately to the east of the Interstate 5 freeway including the existing Flower Fields and Strawberry Fields.

B. Objectives

B.1 To ensure that this area is permanently protected and preserved for open space uses.

B.2 To enhance the protection of the existing Flower Fields.

B.3 To allow the farming operations in the area such as the existing Strawberry Fields and flower growing areas to continue.

B.4 To provide for the protection and preservation of environmental resources in the area.

B.5 To increase public access and use to the area primarily through the incorporation of public trails and active and passive recreation.

C. Implementing Policies and Action Programs

C.1 Protect and preserve this area as an open space corridor. Permit only open space, farming and compatible public uses in the area. Permitted uses shall be as follows:

- (1) Open Space
- (2) Farming and other related agricultural support uses including flower and strawberry Production
- (3) Public trails
- (4) Active and Passive park, recreation and similar public and private use facilities (except on the existing Flower Fields)
- (5) Electrical Transmission Facilities

C.2 Prohibit residential development in the area.

EXHIBIT “3”

C.3 Prohibit commercial and industrial-type uses in the area other than those normally associated with farming operations and open space uses.

C.4 Enhance public access and public use in the area by allowing compatible public trails, community gathering spaces and public and private, active and passive park and recreation uses.

C.5 Allow farming to continue in the area for as long as economically viable for the landowner.

C.6 Utilize all existing programs and land use protections and explore possible new mechanisms to keep the existing Flower Fields in production.

C.7 If determined to be necessary, the City shall amend the Zoning Ordinance and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone to apply to the area that would provide more detail on permitted uses and land use regulations applicable to the area.

C.8 The City shall initiate a public planning process with broad public participation to fully accomplish implementation of the goals, objectives and action programs listed above.

4. Section 4. ZONING ORDINANCE AMENDMENTS

The Carlsbad Zoning Ordinance is hereby amended as set forth in this Section.

4.1 The official Zoning Map is amended to rezone the area as shown on Exhibit A provided herein and not presently zoned Open Space to the OS (Open Space) zone.

5. Section 5. AUTHORIZATION TO EXPEND CITY FUNDS FOR PUBLIC TRAILS

5.1 The City Council is hereby authorized to spend city funds from various sources including the General Fund in the amount that may exceed \$1 million to develop public trails in the area identified in this measure as “The Cannon Road Open Space, Farming and Public Use Corridor”. To the maximum extent feasible, the trails shall be interconnected throughout the area and shall provide a pedestrian link along the south shore of Agua Hedionda Lagoon and a connection between the south shore of the lagoon and the existing Flower Fields.

6. Section 6. IMPLEMENTATION

6.1 Effective Date. This measure shall become effective upon passage by the voters in accordance with Elections Code 9217. With respect to the General Plan Amendments contained in Section 3 of this measure, if the number of General Plan Amendments in the calendar year as permitted by California Government Code Section 65358 have already been utilized, the Amendments to the General Plan enacted by this measure shall be the first amendment and shall become effective on January 1 of the next year following passage.

Upon the effective date of this measure, all entitlements (whether discretionary or ministerial) not yet issued or project approvals not yet approved, shall not be issued or approved unless they are consistent with all provisions of this measure.

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6.2 Interpretation And Authority To Amend Other City Ordinances, Codes And Policies.

This measure shall be interpreted so as to be consistent with all federal and state laws. It shall also be broadly interpreted and construed in order to achieve the purposes and findings stated in the measure. The City is hereby authorized to make any other amendments to the General Plan, the Zoning Ordinance or any other plans, policies or ordinances necessary to fully implement the provisions of this measure and to ensure consistency between the provisions of this measure and all other elements of the General Plan, the Zoning Ordinance, and any other plans, policies or ordinances. If deemed necessary, the City is authorized to amend the Zoning Ordinance to create and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone which would then be applied to the area affected by this measure. The Overlay Zone could provide more detail on permitted uses and regulations applicable to the area.

6.3 Public Process To Comprehensively Implement Measure. Upon the passage of this measure, the City shall initiate a comprehensive planning process with broad public participation and input to accomplish full implementation of the measure. The process shall include determining the most appropriate open space, recreational and public uses for the area, should farming become no longer economically-viable in the area. The process shall result in achieving complete General Plan, Zoning and Local Coastal Program consistency so that the full intent of this measure can be implemented by the City.

6.4 Severability. If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, part, or portions, or the application thereof, are declared invalid or unconstitutional.

6.5 Conflicting Ballot Measures. This measure is inconsistent with and intended as an alternative to any other initiative(s) or measure(s) placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative(s) or measure(s) addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such initiative(s) or measure(s), then this measure shall prevail and control in its entirety and said other initiative(s) or measure(s) shall be rendered void and without any legal effect.

Exhibit List

Exhibit A - Aerial Photo Map showing boundaries of Area affected by this measure



Exhibit A
The Cannon Road Open Space, Farming and Public Use Corridor
City of Carlsbad

0 1,000 2,000 Feet



Permanently Protect Tthe Flower Fields, Strawberry Fields, and Open Space and Public Trails Protection-Act of 2006

The People of the City of Carlsbad do hereby enact and ordain:

1. Section 1. TITLE

- 1.1** This measure shall be known and may be cited as the "**Permanently Protect Tthe Flower Fields, Strawberry Fields, and Open Space and Public Trails Protection-Act of 2006**".

2. Section 2. PURPOSE, LOCATION AND FINDINGS

- 2.1 Purpose.** The purpose of this measure is to ensure that the Flower Fields and Strawberry Fields area located along the Cannon Road corridor east of the Interstate 5 freeway is preserved in open space and that farming is allowed to continue as long as it is viable. The purpose is also to allow public use, access and community gathering places to occur in the area in a manner that will not adversely impact ~~farming-and~~ the unique open space and environmental resources located in the area. This measure is intended to create a sustainable area that balances social, economic and environmental values important to the community. This measure amends the General Plan which contains the vision for the future of the City, and the Zoning Ordinance ~~and the City's Local Coastal Program~~ to designate the area for special planning consideration ~~and to establish the regulatory mechanisms to~~ ensure that the area is retained in open space, that farming is allowed to continue and that public ~~uses and~~ access ~~is provided to the~~ are allowed in the area.

- 2.2 Location and Description of the Area Affected by Measure.** The area affected by this measure is shown on Exhibit A provided herein. It contains approximately ~~355307~~ acres of land located in the central portion of the City along Cannon Road east of the Interstate 5 freeway. The area presently consists primarily of open space and farming operations ~~and containsincluding~~ the existing Flower Fields located south of Cannon Road and the area generally known as the Strawberry Fields located on the north side of Cannon Road adjacent to Interstate 5 and the south shore of the Agua Hedionda Lagoon. The area on the north side of Cannon Road also contains regionally-significant public utility uses including existing SDG&E electrical transmission lines. The City presently leases a portion of the Strawberry Fields area (approximately 91 acres) ~~on the north side of Cannon Road (and generally known as Hub Park)~~ which was leased for potential future, public park uses. The most easterly end of the area on the north side of Cannon Road contains environmentally-sensitive, natural vegetation that is identified in the City's Habitat Management Plan as part of a proposed habitat preserve system. For purposes of this measure, the area shall herein be identified as "The Cannon Road Open Space, Farming and Public Use Corridor," ~~and has been divided into five sub-areas as shown on Exhibit A. Sub-area A is located at the northeast corner of Cannon Road and the Interstate 5 freeway. It is presently farmed but is also presently designated in the General Plan for T-R (Travel/Recreation-Commercial) uses and zoned P-U (Public Utility) uses. Sub-area B is the remainder of the area located on the north side of Cannon Road adjacent to Agua Hedionda Lagoon. This sub-area contains existing farming operations, the portion of the area leased by the City, powerline easements~~

~~and some environmentally sensitive habitat restricted by an open space easement. This sub-area is presently designated for Open Space in the General Plan, however except for a small portion, it is presently zoned P-U (Public Utility) that allows uses such as energy production facilities. Sub-area C is the existing Flower Fields that are presently protected as Open Space as part of the previous approval of the Carlsbad Ranch/Legoland project. Sub-areas D and E are existing open space lots located on the south side of Cannon Road that were originally planned to be part of a larger golf course that was never developed.~~

2.3 Findings. The People of the City of Carlsbad find and declare that the subject area affected by this measure is currently regulated by City policy and established land use documents including the City of Carlsbad General Plan, the City Zoning Ordinance, the Carlsbad Habitat Management Plan ~~(Sub-areas A and B)~~, the Agua Hedionda Land Use Plan ~~(Sub-areas A and B)~~, the Mello II Local Coastal Plan ~~and (Sub-areas C, D and E)~~, ~~the South Carlsbad Coastal Redevelopment Plan (Sub-area A)~~, the Carlsbad Ranch Specific Plan. The City also has a comprehensive Growth Management Plan that sets limits on the amount of residential development and that requires public facilities to be provided concurrent with growth. ~~(Sub-areas C, D and E) and the City's Growth Management Plan.~~ The People of the City of Carlsbad desire ~~these land use documents and City policies to the General Plan and the Zoning Ordinance~~ be amended to (1) prohibit residential uses in the area; ~~(12)~~ ensure that this area is permanently protected and preserved for open space uses; ~~(23)~~ allow the farming operations in the area such as the Strawberry Fields and flower growing areas to continue; ~~(34)~~ enhance the existing protections of the Flower Fields; ~~(45)~~ provide for the protection of environmental resources in the area including compliance with the City's Habitat Management Plan; ~~and~~ (56) incorporate public trails, pedestrian accessibility, park uses, and other complementary and compatible public uses into the area, ~~and (6) prohibit residential, industrial and commercial land uses.~~

3. Section 3. GENERAL PLAN AMENDMENTS

The Carlsbad General Plan is hereby amended as set forth in this Section.

3.1 The Land Use Element at page 27, Section II (D) is hereby amended to add a new Land Use Element Section II (D) (8) to read as follows:

8. The Cannon Road Open Space, Farming and Public Use Corridor

The area along the Cannon Road corridor east of the Interstate 5 freeway presently consist primarily of open space and existing farming operations including the Flower Fields located to the south of Cannon Road and the existing Strawberry Fields located to the north of Cannon Road. The open space areas on the north side of Cannon Road provide spectacular views of the Agua Hedionda Lagoon and contain environmentally-sensitive natural habitat areas that need to be permanently protected.

The existing Flower Fields and the Strawberry Fields as open space uses provide for productive use of portions of the area that enhance the cultural heritage and history of the City. Although the Flower Fields are already protected and restricted to agricultural use ~~by the conditions of approval of the Carlsbad Ranch/Legoland project~~, the City shall utilize all existing programs and land use protections and explore other

EXHIBIT "4"

possible new mechanisms to keep the Flower Fields in production. The City shall also ensure that other farming uses such as the existing Strawberry Fields are allowed to continue as long as it is economically viable for the landowner for the farmer to do so.

The area is recognized for its significant open space opportunities, however, the area lacks adequate public access and public use areas so that the community can enjoy the open space opportunities provided in this area to their fullest potential. An interconnecting public trail through the area preferably linking the south shore of Agua Hedionda Lagoon with the existing Flower Fields could greatly enhance public access in the area. In addition, passive-park and recreation uses that allow public gathering spaces and are compatible with other open space uses could offer opportunities for more community use and enjoyment of the area.

Residential use is not appropriate for the area. Commercial and industrial-type uses other than those normally associated with farming operations are also not appropriate.

The Cannon Road Open Space, Farming and Public Use Corridor presents a unique opportunity for the City to create a sustainable, community-oriented open space area that balances social, economic and environmental values important to the community.

- 3.2 The Land Use Element at pages 37 and 38, Agriculture-C. Implementing Policies and Action Programs is hereby amended by deleting existing C.3 and replacing it with a new C.3 to read as follows:

C.3 The City shall utilize all existing programs and land use protections and explore possible new grant programs and other outside financial assistance to keep the existing Flower Fields in permanent farming and flower production.

- 3.3 The Land Use Element at page 40, Section III; Goals, Objectives and Implementing Policies and Action Programs, is hereby amended to add a new section entitled Special Planning Considerations-The Cannon Road Open Space, Farming and Public Use Corridor to provide as follows:

SPECIAL PLANNING CONSIDERATIONS-THE CANNON ROAD OPEN SPACE, FARMING AND PUBLIC USE CORRIDOR

A. Goal

Create a unique, community-oriented open space area along the Cannon Road corridor located immediately to the east of the Interstate 5 freeway including the existing Flower Fields and Strawberry Fields.

B. Objectives

B.1 To ensure that this area is permanently protected and preserved for open space uses.

B.2 To enhance the protection of the existing Flower Fields.

B.3 To allow the farming operations in the area such as the existing Strawberry Fields and flower growing areas to continue.

EXHIBIT "4"

B.4 To provide for the protection and preservation of environmental resources in the area.

B.5 To increase public access and use to the area primarily through the incorporation of public trails and active and passive recreation.

C. Implementing Policies and Action Programs

C.1 Protect and preserve this area as an open space corridor. Permit only open space, farming and compatible public uses in the area. Permitted uses shall be as follows:

(1) Open Space

(2) Farming and other related agricultural support uses including flower and strawberry Production

(3) Public trails

(4) Active and Passive park, ~~and public~~ recreation and similar public and private use facilities (except on the existing Flower Fields)

(5) Electrical Transmission Facilities

~~(5) A civic center if specifically approved by a majority vote at an election for such purpose (except on the existing Flower Fields).~~

C.2 Prohibit residential development in the area.

C.3 Prohibit commercial and industrial-type uses in the area other than those normally associated with farming operations and open space uses.

C.4 Enhance public access and public use in the area by allowing compatible public trails, community gathering spaces and public and private, active and passive park and recreation uses.

C.5 Allow farming to continue in the area for as long as economically viable for the landowner.

C.6 Utilize all existing programs and land use protections and explore possible new mechanisms to keep the existing Flower Fields in production.

C.7 If determined to be necessary, the City shall amend the Zoning Ordinance and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone to apply to the area that would provide more detail on permitted uses and land use regulations applicable to the area.

C. 8 The City shall initiate a public planning process with broad public participation to fully accomplish implementation of the goals, objectives and action programs listed above.

~~3.4 The General Plan Land Use Map contained in the Land Use Element at page 7 shall be amended to change the land use designation of Sub-area A as shown on Exhibit A provided herein from T-R (Travel/Recreation Commercial) to OS (Open Space).~~

~~3.5 The Open and Conservation Maps contained in the Open Space and Conservation Element at pages 35 and 36 shall be amended to show Sub-area A as shown on Exhibit A provided herein as Existing/Approved Open Space.~~

4. Section 4. ZONING ORDINANCE AMENDMENTS

The Carlsbad Zoning Ordinance is hereby amended as set forth in this Section.

4.1 The official Zoning Map is amended to rezone Sub-area A the area as shown on Exhibit A provided herein ~~from the P-U (Public Utility) zone to the OS (Open Space) zone and to~~

~~rezone all of Sub-area B and~~ not presently zoned Open Space ~~from the P-U (Public Utility) zone~~ to the OS (Open Space) zone.

~~4.2 The Carlsbad Ranch Specific Plan (SP 207) that regulates uses and development in Sub-areas D and E as shown on Exhibit A provided herein and also as identified as Planning Area 8a and 8b in Specific Plan 207 shall be amended to delete all references to golf course use and to make all other applicable modifications so that only the following uses will be permitted in the sub-areas: (1) Farming and other related agricultural uses including flower and strawberry production; (2) Public trails; (3) Passive park and public recreation facilities and (4) Civic center if specifically approved by a majority vote at an election for such purpose.~~

~~5. Section 5. LOCAL COASTAL PROGRAM LAND USE PLAN~~ ~~AMENDMENTS~~

~~The Carlsbad Local Coastal Program is hereby amended as set forth in this Section and the City Council shall submit these amendments to the California Coastal Commission for approval.~~

~~5.1 The Land Use Map of the Local Coastal Program Agua Hedionda Segment Land Use Plan is hereby amended to change the land use designation of Sub-area A as shown on Exhibit A provided herein from TS (Travel Services Commercial) to OS (Open Space).~~

~~5.2 The Agua Hedionda Land Use Plan is hereby amended to delete all references, policies and other provisions relating to Sub-area A and B as shown on Exhibit A provided herein that conflict with the provisions of Section 3.1 and 3.3 of this measure. The conflicting provisions shall be replaced with the applicable provisions of Section 3.1 and 3.3 of this measure.~~

~~5.3 The Local Coastal Program Mello II Segment Land Use Plan is hereby amended to delete all references, policies and other provisions relating to the Carlsbad Ranch, Planning Area 8a and 8b shown as Sub-areas D and E on Exhibit A provided herein that conflict with the provisions of Section 4.2 of this measure. The conflicting provisions shall be replaced with the applicable provisions of Section 4.2 of this measure.~~

~~65. Section 6~~ 5. AUTHORIZATION TO EXPEND CITY FUNDS FOR PUBLIC TRAILS

~~65.1~~ 65.1 The City Council is hereby authorized to spend city funds from various sources including the General Fund in the amount that may exceed \$1 million to develop public trails in the area identified in this measure as "The Cannon Road Open Space, Farming and Public Use Corridor". To the maximum extent feasible, the trails shall be interconnected throughout the area and shall provide a pedestrian link along the south shore of Agua Hedionda Lagoon and a connection between the south shore of the lagoon and the existing Flower Fields.

76. Section 7.6. IMPLEMENTATION

7.16.1 Effective Date. This measure shall become effective upon passage by the voters in accordance with Elections Code 9217. With respect to the General Plan Amendments contained in Section 3 of this measure, if the number of General Plan Amendments in the calendar year as permitted by California Government Code Section 65358 have already been utilized, the Amendments to the General Plan enacted by this measure shall be the first amendment and shall become effective on January 1 of the next year following passage. ~~With respect to the Local Coastal Program Amendments contained in Section 5 of this measure, the City shall submit the amendments to the California State Coastal Commission upon passage of this measure and they shall not become effective until approved by the Coastal Commission.~~

Upon the effective date of this measure, all entitlements (whether discretionary or ministerial) not yet issued or project approvals not yet approved, shall not be issued or approved unless they are consistent with all provisions of this measure.

~~The Carlsbad General Plan, Zoning Ordinance and Local Coastal Program presently in effect and as amended by this measure comprise an integrated, internally consistent and compatible statement of policies and land use regulations for the City. In order to ensure that these documents remain an integrated, internally consistent and compatible statement of policies and regulations for the City as required by State law and to ensure that the actions of the voters in enacting this measure are given full effect, any amendment to the Carlsbad General Plan, the Zoning Ordinance or the Local Coastal Program that is adopted prior to the effective date of this measure and that is inconsistent with any provision of this measure is hereby repealed.~~

7.26.2 Interpretation And Authority To Amend Other City Ordinances, Codes And Policies. This measure shall be interpreted so as to be consistent with all federal and state laws. It shall also be broadly interpreted and construed in order to achieve the purposes and findings stated in the measure. The City is hereby authorized to make any other amendments to the General Plan, the Zoning Ordinance, ~~the Local Coastal Program~~ or any other plans, policies or ordinances necessary to fully implement the provisions of this measure and to ensure consistency between the provisions of this measure and all other elements of the General Plan, the Zoning Ordinance, ~~the Local Coastal Program~~ and any other plans, policies or ordinances. If deemed necessary, the City is authorized to amend the Zoning Ordinance to create and adopt a Cannon Road Open Space, Farming and Public Use Corridor Overlay Zone which would then be applied to the area affected by this measure. The Overlay Zone could provide more detail on permitted uses and regulations applicable to the area.

~~**7.3 City Council Authority To Amend Measure If Taking Of Private Property Rights Occurs.** This measure shall be subject to amendment by the City Council without a subsequent vote of the People of Carlsbad if any portion or provision of this measure is determined to be any taking of private property rights or an inverse condemnation of property by a final judgment of a court of competent jurisdiction, other judicially approved process, or other alternative dispute-resolution process. Such determination shall not affect the uncontested, remaining portions or~~

~~provisions of this measure and the measure shall be amended in a manner that most narrowly construes the City's compliance obligations while at the same time retaining the broadest possible construction and implementation of this measure.~~

6.3 Public Process To Comprehensively Implement Measure. Upon the passage of this measure, the City shall initiate a comprehensive planning process with broad public participation and input to accomplish full implementation of the measure. The process shall include determining the most appropriate open space, recreational and public uses for the area, should ~~when farming is become no longer economically-viable in the area.~~ The process shall result in achieving complete General Plan, Zoning and Local Coastal Program consistency so that the full intent of this measure can be implemented by the City.

7.46.4 Severability. If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, part, or portions, or the application thereof, are declared invalid or unconstitutional.

7.56.5 Conflicting Ballot Measures. This measure is inconsistent with and intended as an alternative to any other initiative(s) or measure(s) placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative(s) or measure(s) addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such initiative(s) or measure(s), then this measure shall prevail and control in its entirety and said other initiative(s) or measure(s) shall be rendered void and without any legal effect.

Exhibit List

Exhibit A-Aerial Photo Map showing boundaries of Area ~~and Sub-areas~~ affected by —this measure